



PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 16 February 2022 at 10.00 am in the Council Chamber

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held on 19 January 2022 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 4)
4i	Site West Of Worley Avenue / South Of Earls Drive (Pages 5 - 24)
4ii	Upper Car Park Level Rear of Swallow Hotel (Pages 25 - 32)
4iii	Kirkwood Gardens (verge Area West Of Wardley Service Station) (Pages 33 - 42)
5	Delegated Decisions (Pages 43 - 52) Report of the Service Director, Development, Transport and Public Protection
6	Enforcement Team Activity (Pages 53 - 54) Report of the Service Director, Development, Transport and Public Protection
7	Enforcement Action (Pages 55 - 60) Report of the Service Director, Development, Transport and Public Protection
8	Planning Appeals (Pages 61 - 82) Report of the Service Director, Development, Transport and Public Protection

9 | **Planning Obligations** (Pages 83 - 84)

Report of the Service Director, Development, Transport and Public Protection

Contact: Helen Conway - Email: HelenConway@gateshead.gov.uk, Tel: 0191 433 3993,
Date: Tuesday, 8 February 2022



PLANNING AND DEVELOPMENT
COMMITTEE
16 February 2022

TITLE OF REPORT: Planning applications for consideration

REPORT OF: Anneliese Hutchinson, Service Director,
Climate Change, Compliance, Planning and
Transport

Purpose of the Report

1. The Committee is requested to consider the attached schedule of miscellaneous planning applications, which are presented as follows:-

PART ONE:

Planning Applications
Applications for Express Consent under the Advertisement Regulations
Proposals for the Council's own development
Proposals for the development of land vested in the Council
Proposals upon which the Council's observations are sought
Any other items of planning control

PART TWO: FOR INFORMATION ONLY

Applications determined in accordance with the powers delegated under Part 3, Schedule 2 (delegations to managers), of the Council Constitution.

Recommendations

2. Recommendations are specified in the schedule.

The Human Rights Implications of the recommendations have been considered. Unless specified there are no implications that outweigh the material planning considerations.

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Committee Report

Application No:	DC/21/00879/FUL
Case Officer	Joanne Munton
Date Application Valid	12 July 2021
Applicant	Mssrs WAYNE LASKEY AND NEIL & CAT TRUEMAN
Site:	Site West Of Worley Avenue / South Of Earls Drive Earls Drive (Opposite Numbers 42-62) Low Fell Gateshead NE9 6AA
Ward:	Low Fell
Proposal:	Erection of two dwellinghouses (Use Class C3) with associated accesses, with surrounding gardens, and curtilage areas across remaining parts of site with felling of 5 trees (description amended 05/01/22, amended plans received 05/01/22 and additional information received 06/01/22 and 12/01/2022).
Recommendation:	REFUSE
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF SITE

The application site comprises the majority of the three northernmost garden plots of land, which are located between Worley Avenue to the east and the rear of Glenbrooke Terrace to the west, in Low Fell Conservation Area. The site slopes down from east to west.

1.2 The red line plan includes less of both the northern and southern plots at the eastern end, making these shorter than the central plot, whose full width between Worley Avenue and Glenbrooke Terrace is shown to be included in the red line plan.

1.3 Worley Avenue, and gardens are first shown on the 2nd edition OS maps of 1895-1898, and the gardens are separated from smaller front gardens immediately outside the properties by a wide path. There are a collection of garages and a back lane between the site and properties at Glenbrooke Terrace to the west. The road at Earls Drive runs east to west along the northern boundary of the site, and to the south of the site further gardens following the same linear pattern and size.

1.4 The garden plots have trees along the boundaries, which have also colonised parts of the gardens, and which are protected by virtue of their presence within the Conservation Area. Many are now of medium-large size, mainly

sycamore, and form a visible feature for some distance along the nearby streets. The site boundaries are largely hedges, vegetation and timber paling fence, and there has been recent partial clearance of the understorey inside the site. Despite a hedge being shown running through the site on the existing site plan submitted, from an officer site visit, this is not present in the indicated location, and instead there is a hedge that runs along the southern boundary of the site,

1.5 DESCRIPTION OF APPLICATION

The application proposes the merging of two larger parts of the northern and southern garden plots within the red line with the central plot, and then the subdivision of this land to form a new eastern and a new western plot, and the construction of two new dwellinghouses (one on each plot).

1.6 The application also proposes the removal of 5 trees, the planting of 10 replacement trees and the creation of two new vehicle access points onto Earls Drive.

1.7 The dwellings are proposed to be a modern design, each with two double storey gable elements with a flat green roof between these. The dwellings are proposed to be orientated so that Plot 1 (west) would have the gable elements facing north/south (ie. Onto Earls Drive) and Plot 2 (east) would have the gable elements facing east/west, so the roof slope and mansard roof feature would face onto Earls Drive.

1.8 The proposed materials are as follows:

Roof – standing seam rolled zinc

Walls - Olde English grey brick and Siberian larch boarding, with rolled zinc continuing from roof and sandstone horizontal feature band between ground and first floors

Glazing/windows - Polyester Powder Coated Aluminium

1.9 Plot 1 (west) would have 4 bedrooms and Plot 2 (east) would have 4 bedrooms on the first floor and a guest bedroom on the ground floor.

1.10 RELEVANT PLANNING HISTORY

There is no relevant planning history for the site.

2.0 Consultation Responses:

Tyne And Wear Fire And Rescue Service No objection

Tyne And Wear Archaeology Officer No objection

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.
- 3.2 39 Objections were initially received, raising the following concerns:
- Inappropriate use for the site; alternative uses suggested; housing could be provided elsewhere
 - Undesirable precedent for other land at Worley Avenue
 - Restricting the potential development of land further south
 - Affordable homes not proposed
 - Increased parking demand and impact on highway safety, including congestion, inappropriate parking and access for deliveries and emergency vehicles
 - Out of keeping with the surrounding area and Conservation Area
 - Proposal not in line with a presumption against change, involving the sub-division of gardens and grounds, which would contribute to an increased density of development in the Conservation Area
 - Overdevelopment
 - Lots of planting already removed
 - Impact on/loss of mature trees and green space in terms of impact on amenity, increased flood risk, climate crisis and impact on ecology (including loss of habitat)
 - The continuous gardens at the front of Worley Avenue provide an important visual and ecological corridor
 - Replacement planting and green roof may not take/be established
 - Loss of privacy
 - Loss of outlook
 - Overbearing
 - Additional noise
 - Concern over health issues and impact on air quality
 - Disturbance early mornings/late evenings
 - Disruption during construction phase
 - Loss of natural light
 - Loss of view
 - Anomalies and assumptions in the details submitted with the application
 - Surrounding environment should not be impacted for financial gain
 - The development would degrade a significant area of green infrastructure on the route of a Gateshead Health Walk

3.3 14 Letters of support were received, commenting on the following:

- Concern about existing condition of site, fly tipping, vermin, anti social behaviour and trees making it dark
- Trees overhanging the path are dangerous
- Area in need of this type of housing
- Redeveloping the site would be an improvement for the area and make use of the current site, which is in poor condition
- Proposed scheme would be well designed and high quality
- The area has a lot to offer, including local schools
- Existing residents should make more use of off street parking

3.4 1 Representation was received, commenting on the following:

- Proposal would cut off future development of the land at Worley Avenue; with Worley Mews at one end and these dwellings at the other there would be an impact on access to land between the sites

3.5 Amended plans were received on 5 January 2022.

3.6 16 further objections were received, raising the following concerns:

- It is a uniquely historical site and the proposal would destroy the character of the whole conservation area
- Alternative, less sensitive sites available
- Loss of trees and question how only 5 would need to be removed, potential for more tree damage/removal in the future
- Out of keeping with the surrounding area and Conservation Area, and the development would disrupt the pattern of the area, degrade the historic character and conflict with the conservation area guidance.
- Proposal not in line with a presumption against change, involving the sub-division of gardens and grounds, which would contribute to an increased density of development in the Conservation Area
- Undesirable design precedent
- Increased parking demand and impact on highway safety
- No visitor parking provision, and houses should be assessed as requiring 2 cars per household
- The traffic survey does not take into account Earls Drive traffic flow or traffic at busy times backing up onto Durham Road
- Obstruction and disruption during construction
- Impact on bats and birds and other wildlife
- There has already been loss of habitat

- Impact on/loss of mature trees and green space in terms of impact on amenity, increased flood risk, climate crisis and impact on ecology (including loss of habitat)
- Measures to deliver biodiversity net gains would take many years
- Spread of Japanese Knotweed
- Impact on established welfare and wellbeing in Gateshead, and the development would degrade a significant area of green infrastructure on the route of a Gateshead Health Walk
- Loss of value of properties
- Inaccuracies in detail submitted with the application, as most strips of gardens land are cared for by private owners
- Responsibility of landowners to maintain the site
- Proposed Tree Protection Plan appears to be in neighbouring garden, potential impact on property

3.7 3 further letters of support were received, commenting on the following:

- Addition of homes in a housing shortage
- Currently the land is not used for anything of value and is unsightly
- High standard design that would improve the appearance of the street
- Should allow the area to grow and develop
- Example of newer housing at the southern end of Worley Avenue
- Residents' parking scheme suggested
- Positive addition to the area that would not set a precedent for land further south
- The way people use their homes is changing

3.8 A representation has also been received from the owner of the southernmost plot of land within the red line boundary, in response to the notice served. The comments are no objection provided that no part of the development is on this part of the site, which should be used only as garden land.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

MSGP8 Digital Infrastructure

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

GPGSPD Gateshead Placemaking Guide SPG

IPA17 Conservation Area Character Statements

National Design Guide

5.0 Assessment of the Proposal:

- 5.1 The key considerations to be taken into account when assessing this planning application are housing policy, and the impact the proposal will have on heritage assets, design, trees, residential amenity, highway safety and parking, ecology and ground conditions.
- 5.2 **HOUSING POLICY**
Policy CS11 indicates that 60% of new private housing across the plan area and within the plan period will be required to be of 3 or more bedrooms. The proposal would satisfy this requirement.
- 5.3 Policy CS11(4) requires adequate space inside and outside the home to meet the needs of residents. Policy MSGP12 also sets out that new homes should be built in accordance with the Nationally Described Space Standards (NDSS). This policy will apply one year after adoption (1 February 2022) to allow for a transition period, and is therefore now in effect.

- 5.4 Policy CS11 requires 15% affordable homes for developments of 15 units or more, so this would not be a requirement for this proposal.
- 5.5 Whilst the details submitted with the application do not clearly set out the assessment against NDSS, officers have considered the proposed amended floorplans against NDSS.
- 5.6 The floorplans for Plot 1 show a double bed in each of the four bedrooms, however, while the width requirements in the standards are met for double rooms, bedroom 4 falls short of the 11.5sqm floor area requirement (measuring at 11.36sqm), so this could only be a single bedroom. For the purposes of the NDSS this equates to a 4bed(b) 7person(p) house. Based on submitted plans, the minimum gross internal floor area requirement (of 115sqm for a two storey dwelling) would be comfortably met. However, no storage provision is shown at this dwelling other than an indicated wardrobe area at 1.88sqm. This falls short of the requirement in the standards for a minimum of 3sqm of storage for any new 4-bed dwelling.
- 5.7 Including the guest room on the ground floor, Plot 2 would have 5 bedrooms, which are shown on plans to all be doubles. As with Plot 1, one of the bedrooms, the room labelled as a guest bedroom on the ground floor, although indicatively shown with a double bed, can only, due to its width/floor area, be considered as a single bedroom. Plot 2 is therefore, for the purposes of the NDSS 5b 9p dwelling. The nearest provision for this in the standards is 5b8p, so these amounts have been used to assess compliance. Based on submitted plans (and on the understanding that the walk-in wardrobes would be built-in), the minimum gross internal floor area and the storage area requirements would be met. The area and width requirements for double rooms would also be met, with the exception of the ground floor guest room, which would meet the requirements for a single room.
- 5.8 Therefore, the submitted plans do not fully comply with NDSS requirements and, as such, the scheme is not in complete accordance with policy MSGP12. However, it is considered that as the gross overall floor area is comfortably in excess of the NDSS requirement, that there is scope within the floor plan of Plot 1 to accommodate the storage requirement. If the application was recommended to be granted, a condition could be imposed to require final details of the internal storage space for Plot 1. Subject to that condition, the development would be in accordance with MSGP12.
- 5.9 CONSERVATION AREA, DESIGN AND TREES (VISUAL AMENITY)
The site is within Low Fell Conservation Area. Paragraph 199 of the NPPF clarifies:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.10 NPPF paragraph 130 also states:

Planning policies and decisions should ensure that developments [amongst others]:

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

5.11 Paragraph 40 of the National Design Guide states that Well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;

- integrated into their surroundings so they relate well to them;

- influenced by and influence their context positively; and

- responsive to local history, culture and heritage.

5.12 The character statement for Low Fell Conservation Area is provided in IPA17 (June 2000), and specifically characterises land West of Durham Road as follows:

The character of this area is strongly influenced by the Victorian terraces of Albert Drive and Earls Drive (which run at right angles to Durham Road, sloping from east to west), and Worley Avenue (which runs parallel with Durham Road). The terraces are constructed of red brick with stone dressings and slate roofs. Earls Drive and Worley Avenue have long leafy gardens, which are bounded by brick walls or privet hedges. They have all been subject to unsympathetic alteration in their fenestration, doors and roof materials.

...Poor modern infill along Earls Drive and at Worley Mews detracts from the harmony of the area.

5.13 Worley Avenue retains its cohesion and strength of character in its linear form. The site forms a well preserved feature of Low Fell Conservation Area along with the neighbouring gardens, which retain their distinctive linear

pattern that is not compromised by modern development. The proposal site, along with the adjacent gardens, is considered to contribute positively to the significance of the Low Fell Conservation Area.

5.14 IPA17 for Low Fell Conservation Area also sets out specific guidance:

There will be a presumption against change involving the sub-division or further sub-division of gardens and grounds, which would contribute to an increased density of development in the Conservation Area. Sub-division and development of this nature would result in an erosion of the essential character of the area and often result in a loss of tree cover.

The mature tree cover and well established gardens in this area are two of the most important factors contributing to the Area's special character. There will be a general presumption against development that would directly or indirectly lead to the loss of trees, hedges and shrubs which contribute to, or which in the future might contribute to, the character of the Conservation Area.

All new buildings should be designed with reference to their surroundings and to respect the character of the Conservation Area. Special regard needs to be paid to the arrangement of plot, plan form, bulk, height, materials, colour and design of buildings and, if appropriate, the setting of nearby listed buildings.

5.15 Local Plan policy CS15 states:

Development will contribute to good place-making through the delivery of high quality and sustainable design, and the conservation and enhancement of the historic environment. This will be achieved by:

1. Development being required to:

- i. Respond positively to local distinctiveness and character,*
- ii. Create safe and inclusive environments,*
- iii. Ensure connectivity, accessibility and legibility,*
- iv. Respect and enhance significant views and the setting of heritage assets,*
- v. Respond to the unique character and importance of the River Tyne, its tributaries and its setting,*
- vi. Respond positively to opportunities to introduce public art, and*
- vii. Respond to local design and conservation guidance.*

2. Taking a proactive approach to sustaining the historic environment in a manner appropriate to the significance of the relevant heritage asset and requiring development to support and safeguard the historic environment by:

- i. Promoting the use, enjoyment and understanding of the historic environment,*
- ii. Positively responding to those heritage assets which are at risk, and not leaving heritage assets at risk, or vulnerable to risk, and*
- iii. Where appropriate positively adapting heritage assets to ensure the continued contribution to quality of place.*

5.16 Local Plan policy MSGP24 states:

- 1) The design quality of proposals will be assessed with regard to the following criteria:*
 - a. The proposal's compatibility with local character including relationship to existing townscape and frontages, scale, height, massing, proportions and form;*
 - b. Layout and access;*
 - c. Space between buildings and relationship to the public realm;*
 - d. Detailing and materials, and;*
 - e. The use of a high-quality landscaping scheme, structural landscaping and boundary treatment to enhance the setting of any development*

5.17 Local Plan policy MSGP25 also states:

- 3. Development which results in the sub-division of gardens and grounds within Conservation Areas will be permitted where:*
 - a) there is historic evidence to demonstrate that the garden or ground was previously sub-divided into physically separate plots; or*
 - b) the development will not harm the historic environment; or*
 - c) the development contributes to the restoration of a historic garden or parkland.*

5.18 Additionally, as an objective, Gateshead Placemaking SPD states (at p39):

The heritage value of much of the Borough is integral to its character. The importance of this is in part recognised by the number of buildings which are listed as being of special architectural or historic interest. However, it is not just important individual buildings which make up the character of an area, it is also factors such as urban grain, plot size, street type, landform features, building materials and building scale... Gateshead Council will seek to: Preserve and enhance positive qualities of the Borough's distinctive townscape, landscape and streetscape character

5.19 And as a principle, Gateshead Placemaking SPD states (at p82):

New developments should be designed with regard to the local context

...
Within areas of distinctive and attractive character development proposals should reinforce the established pattern of the built form, spaces and movement routes.

- 5.20 The application proposes to formally sub-divide existing plots (leaving two separate parts at the eastern end), merge three plots of land, then re-divide this land again, but north to south. This would be directly contrary to IPA17 guidance, and the policies referred to above, and it is considered that the proposal to develop the site for residential dwellings would compromise the site and diminish its positive contribution to the setting, character and appearance of the Conservation Area.
- 5.21 The status of the plots as overgrown gardens with substantial trees is valuable to the character of the Conservation Area and not considered to be a concern that requires remedy: the long-term presence of a copse would continue to enhance the area. It is considered that the neglect or abandonment of the plots would not be justification for new development in the Conservation Area.
- 5.22 The site is also located close to the edge of the Conservation Area where the quality of the urban area reduces considerably into an estate of C20th semi-detached houses with less green space and fewer mature trees; therefore, retaining the gardens and tree cover is extremely important to maintaining the integrity and special character of the Conservation Area.
- 5.23 With likely loss of 90% of Ash trees within the next 10 years, sycamore will become an increasingly important tree in the landscape, and contributes well to supporting wildlife. None of the trees at this site are considered hazardous or dangerous to persons or property. Whilst it is acknowledged that they do have some growth defects which detract from their individual quality, in this instance their contribution to the area is in terms of their qualities as a group. The trees on site collectively have a very high level amenity value and strongly contribute to the character of the Conservation Area.
- 5.24 The application proposes to remove 5 sycamore trees from the site. However, several trees shown to be retained would have substantial buildings and paving beneath their canopies, which would very likely result in issues during construction, and, more widely, there are significant concerns that there would be extreme pressure from future occupants for future removal.
- 5.25 MSGP Policy 36 permits loss of trees where it can be clearly demonstrated that harm can be reduced to acceptable levels through the implementation of positive mitigation and enhancement measures either on site or elsewhere. It is proposed that 10 new medium sized trees be planted within the site. Whilst this may be physically possible, most are proposed to be located very close to each other and/or existing trees, and it is considered that there would be very little space available that is not occupied by the dwelling or hardstanding for

cars, or existing trees, therefore such trees would be likely to be of a type, size and quality which would make a very limited contribution to the character and appearance of the Conservation Area. They may also themselves be subject to longer term resentment from future occupiers and subsequent pressure for removal, given proximity to other features on site.

- 5.26 The application also includes the proposal to crown lift all remaining trees to 6m. This would also significantly alter the natural appearance of the trees, the mass of their crowns in the streetscape, and ultimately their health. This would harm the leafy nature of the area which does much to define its special character.
- 5.27 It is also noted that paragraph 131 of the NPPF sets out the important contribution trees make to the character and quality of urban environments and in helping to mitigate and adapt to climate change, stating that existing trees should be retained where possible.
- 5.28 Therefore, the proposal would, in principle, be fundamentally contrary to planning policies which seek to conserve and enhance the historic environment.
- 5.29 In terms of the proposed designs of the dwellings, these constitute non-traditional forms and materials with respect to the existing pattern of development. The proposed dwellings would be detached and in mixed orientation, with no reference to the terraces, there would be double peaked roofs including flat ridges, a wide range and inappropriate materials and colour (ie. grey zinc walls and roof, grey brick for houses and garden walls, timber cladding, green roof), and there would be an erratic pattern of windows (slots and mixture of rectangular opening sizes). It is considered that the proposed dwellings would have an inappropriate design in their context, would not respond positively to local distinctiveness and character, and would be contrary to local design and conservation guidance.
- 5.30 The modern infill development at the southern end of Worley Terrace and on Earls Drive opposite are identified as detractors in this area which is relevant when considering this proposal to further infill original gardens with modern development.
- 5.31 In terms of proposed boundary treatment, the submitted site plan shows timber fencing around the two plots, but also along the northern boundary with Earls Drive on land outside of the red line plan. The timber fence proposed along the southern boundary would replace the hedge currently in place, as observed on officer site visit and comparing locations of other neighbouring features, as this does not appear to be accurately shown on submitted plans. Whilst final details of the location and appearance of boundary treatment(s) could be required by condition in general, the removal of the southern boundary hedge would compound concerns regarding impact on the well established gardens in the area and this being one of the most important factors contributing to the Area's special character, and would be directly contrary to the specific guidance in IPA17 (above).

- 5.32 If the application was recommended to be granted, a condition removing permitted development rights for enlargements to the dwellinghouses and buildings within the curtilages would be necessary.
- 5.33 However, fundamentally, it is considered that the proposed development would not make a positive contribution to local character and distinctiveness. The proposal does not contribute to the Conservation Area's significance and character, or conserve and enhance the spaces between and around buildings including gardens and boundaries, or meet the requirements permitting subdivision of gardens and grounds.

5.34 Paragraph 202 of the NPPF states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

3.35 The proposal would not sustain or enhance the significance of the heritage asset, as required by policy. It would lead to less than substantial harm to the significance of a designated heritage asset, and it is considered that the proposal would not bring about public benefits that would outweigh the identified harm to heritage assets. The application also does not demonstrate clear and convincing justification for the harm to the Conservation Area.

5.36 Whilst small sites can make an important contribution to local housing supply, there are no public benefits which would outweigh the unacceptable harm to both the character and appearance of the Conservation Area, as identified above.

5.37 NPPF paragraph 134 confirms:

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes.

5.38 Therefore, the proposal would cause unacceptable harm to the designated heritage asset and visual amenity of the area, and it is recommended that the application be refused for this reason, in accordance with the NPPF and policies CS15, CS18, MSGP24, MSGP25 and MSGP36 (in terms of impact on trees) of the Local Plan.

5.39 RESIDENTIAL AMENITY/LIVING CONDITIONS
NPPF paragraph 130 states:

Planning policies and decisions should ensure that developments [amongst others]:

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.40 The National Design Guide at paragraph 123 advises that well-designed homes and buildings:

- provide good quality internal and external environments for their users, promoting health and well-being;*
- relate positively to the private, shared and public spaces around them, contributing to social interaction and inclusion; and*
- resolve the details of operation and servicing so that they are unobtrusive and well-integrated into their neighbourhoods.*

5.41 Local Plan policy MSGP17 states:

Development will be required to provide a high-quality environment and a good standard of amenity for existing and future occupants of land and buildings. Planning permission will be granted for new development where it:

- 1) does not have an unacceptable impact on amenity or character of an area, and does not cause unacceptable disturbance, through an increase in noise, disturbance, traffic and parking congestion, smells, fumes or other harmful effects, or conflict with other adjoining uses;*
- 2) safeguards the enjoyment of light, outlook and privacy; and*
- 3) ensures a high quality of design and amenity*

5.42 In terms of potential future occupiers, NDSS requirements have been discussed above, and it is considered that subject to the recommended condition, if the application was recommended to be granted, the proposal would provide appropriate internal storage space.

5.43 However, in terms of other living conditions for future occupiers, whilst the dwelling at Plot 1 would be centrally located in its site, the north east part of Plot 2 would be immediately adjacent land to the north east that is not within the application red line boundary and it is indicated on the site plan that the applicants are seeking adverse possession of the land (shown as a pink hashed area on plans). Whilst there is a note that the applicants are looking to acquire this land, it does not form part of the application site, and, even if the

land was in the applicant's ownership, it is not part of this proposal and cannot be assumed that it would ever be.

- 5.44 Therefore, at the time of assessing this planning application, and mindful that this corner of land is not within the red line boundary, the proposed plans show an external utility door opening out into land that the applicants do not own and that is not within the application site (which is impractical). In addition, two storey, full height glazing, serving the hall and landing, and windows serving bedroom 4 (a habitable room) at first floor level, are shown as being approximately 1m from the shared boundary.
- 5.45 Considering the proposed proximity of Plot 2 to the north east boundary, and the proposed scale, design and arrangement (including location and extent of the proposed glazing), it is considered that the proposal would result in an unacceptable overbearing and oppressive impact and overlooking/loss of privacy at this separate garden/amenity land.
- 5.46 Additionally, while no boundary treatment is proposed between Plot 2 and this unrelated land (ie along the perimeter of the application site), a 1.1m tall brick boundary wall is shown on land outside of the application site along the boundary of the hatched land and Earls Drive. Although on the application plans, this section of wall is not part of this application. Furthermore, the northern wall of the proposed utility would be on the boundary with this land, which would make the proposed access door into the utility area unworkable. Therefore, a condition for details of boundary treatment at ground floor level (in the interests of privacy and reducing disturbance at the neighbouring land) would not be reasonable.
- 5.47 In any event, boundary treatment at ground floor level would also not alleviate concerns that Plot 2 would result in an overbearing impact and loss of privacy at this unrelated garden land to the north east, due to habitable room windows at first floor level.
- 5.48 In terms of the unrelated square of land to the south east of Plot 2, there would not be a window at ground floor level directly opposite the land at this location (and 1.8m timber fence is proposed on the boundary in any event) but there would be a first floor window serving bedroom 2. This would be approximately 2m from the boundary, and whilst the proposed dwelling would not run all the way along the northern boundary, it is considered that the proposal would result in an unacceptable overbearing impact and loss of privacy at this other neighbouring garden land.
- 5.49 Further, given the proposed distances, it is considered that Plots 1 and 2 would not result in an unacceptable impact on amenity at garden land further south.
- 5.50 The relative position of the two houses and their windows, results in a separation distance between the habitable room windows in Plot 2 (west elevation) and the side (east) elevation of Plot 1 of 14.9m. Between these elevations there is 1.8m high boundary treatment proposed, there would be

offsetting of the bi-folding doors at Plot 2 and windows at ground floor at Plot 1, and offsetting of windows at first floor level (particularly with the window at the northern end of side elevation of Plot 1 serving an en-suite and therefore would have been required to be obscurely glazed). As such, it is considered that the arrangement between the two proposed dwellings would not result in unacceptable harm to amenity of future occupiers at each proposed respective dwelling.

- 5.51 In terms of noise/disturbance, the application proposes dwellings in a residential area, so long term impact would not be anticipated, but if the application was recommended to be granted, condition(s) could be imposed relating to construction management and hours of operation.
- 5.52 However, the proposal would cause unacceptable harm to future occupiers, and to users of the adjoining parcels of land through loss of privacy, overlooking (to both parties) and by the creation of an overbearing and oppressive form of development for the uses of the immediately adjoining garden land (that could not be made acceptable through conditions), and it is recommended that the application be refused for this reason in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan.
- 5.53 **HIGHWAY SAFETY AND PARKING**
The driveways are proposed to exit onto Earl's Drive, and it is acknowledged that the existing on-street parking in this area is known to be in high demand. Transport officers have completed numerous spot-check surveys of the area: two of an afternoon and three of an evening/late evening, reviewing the section of Earl's Drive from Durham Road to the unnamed rear lane to the west of the site.
- 5.54 Whilst the addition of new development is not ideal, it is considered that it would not be unacceptable. The driveways would result in approximately two on-street parking spaces being lost, however, during inspections Council officers observed at least two spaces free on the street at any given time (as observed between Durham Road and the unnamed rear lane to the west of the application site). Significantly more unoccupied on-street parking space was observed west of Glenbrooke Terrace.
- 5.55 Additionally, officers are satisfied that the amended plans submitted demonstrate acceptable visibility at the two driveways. Boundary treatment at each side of the driveway openings is shown to be 0.6m high to aid visibility. If the application was recommended to be granted, it is considered that a condition removing permitted development rights for boundary treatments in these locations (ie. Where 0.6m high treatment is shown) would be necessary.
- 5.56 Further, dedicated cycle storage is indicated on submitted plans, and if the application was recommended to be granted, conditions could require final details of the storage and implementation of the approved scheme.

- 5.57 Subject to conditions if the application was recommended to be granted, the proposal would not conflict with the aims and requirements of policies CS13 and MSGP15 of the Local Plan.
- 5.58 **ECOLOGY**
The application is supported by an Ecological Impact Assessment and a Biodiversity Net Gain Assessment. The latter confirms that based on calculations, the metric indicates a predicted net loss of -0.15 habitat units, constituting a change of -11.40%, and suggests financial contributions to offset this loss.
- 5.59 It is considered that harm and loss to ecology and biodiversity could be adequately addressed (mitigated/compensated) in the requirements of planning conditions and obligation(s), if the application was recommended to be granted.
- 5.60 Subject to conditions and obligations if the application was recommended to be granted, the proposal would not conflict with the aims and requirements of policies CS18, MSGP36 (in terms of ecology impact) and MSGP37 of the Local Plan.
- 5.61 **GROUND CONDITIONS**
The site is not in a Coal Authority defined high risk area.
- 5.62 In terms of potential land contamination impact on the proposed sensitive end use, the site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is not situated on potentially significant contaminated land based on previous historic use. Overall, the potential level of contamination possibly being a hazard to site operatives and future site users is considered to be very low, and significant contamination of soils and made ground beneath these areas is not anticipated.
- 5.63 As such, if the application was recommended to be granted, it is considered that conditions requiring site investigations, risk assessment and remediation relating to contaminated land would not be necessary, except for in the event that suspected contaminated land is unexpectedly encountered during works, the submission of a risk assessment, implementation of any required remediation measures, and the submission a verification report demonstrating the effectiveness of the remediation. Additionally, conditions requiring the submission of any required gas protection measures and implementation of an approved scheme could be imposed if the application was recommended to be granted.
- 5.64 Subject to conditions if the application was recommended to be granted, the proposal would not conflict with the aims and requirements of policies CS14 and MSGP20 of the Local Plan.
- 5.65 **DIGITAL INFRASTRUCTURE**
MSGP8 states that 'The necessary physical infrastructure to enable access to information and digital communication networks will be integrated into all

appropriate new developments.' The supporting text clarifies that all proposals for new dwellings and new business premises will be required to demonstrate that engagement has taken place with more than one digital infrastructure provider to explore how digital communication networks can be integrated into the development. The requirements of this policy will be satisfied by the submission of a statement (required either at application stage or through a planning condition) explaining the outcome of this engagement. As such, a condition could be imposed to satisfy this requirement.

5.66 COMMUNITY INFRASTRUCTURE LEVY (CIL)

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This proposal has been assessed against the Council's CIL charging schedule and the site is in residential CIL Zone C, which has a charge of £0 per sqm.

5.67 OTHER MATTERS

Loss of view and loss of property value are not material planning considerations.

5.68 The application is for minor development, in flood zone 1 and, although within the local authority define critical drainage area, the site is less than 0.5ha, therefore, a flood risk assessment and a drainage assessment were not required to be submitted as part of the application.

5.69 HOUSING DELIVERY TEST

On 14 January 2022, DLUHC provided an update on technical note on the Housing Delivery Test 2021 measurement. As a result of the disruption of the national lockdown, DLUHC have confirmed a reduction in the homes required within the 2019 to 2020 year by a month and within the 2020 and 2021 year by four months in the Housing Delivery Test.

5.70 Given this update is so recent, the Council are making an assessment, and in the case that the Council remain unable to demonstrate a five year supply of deliverable housing sites and the presumption in favour of sustainable development, outlined in Paragraph 11(d) of the NPPF, remains engaged, a balancing exercise is provided below:

5.71 The proposed development results in harm to a designated heritage asset and this provides a clear reason for refusing the development proposed. Therefore, the 'tilted balance' is not engaged by virtue of footnote 7 to paragraph 11(d) of the Framework. Weight has been given to the contribution the proposed development would make to the supply of housing in Gateshead, but the LPA considers that this benefit would not outweigh the proposed harm to the designated heritage asset.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, whilst the proposal would modestly contribute to housing stock in the borough, the development would cause less than substantial harm to the significance of Low Fell Conservation Area,

which would not be outweighed by public benefits. The development would also cause unacceptable harm to future occupiers, and to users of the adjoining parcels of land through loss of privacy, overlooking (to both parties) and by the creation of an overbearing and oppressive form of development for the uses of the immediately adjoining garden land (that could not be made acceptable through conditions).

6.2 Therefore, the proposal would be contrary to the aims and objectives of the NPPF, The National Design Guide, Local Plan policies CS14, CS15, CS18, MSGP12, MSGP17, MSGP24, MSGP25 and MSGP36, and the Gateshead Placemaking SPD, and it is recommended that planning permission should be refused.

7.0 Recommendation:

That permission be REFUSED for the following reason(s) and that the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the refusal reasons as necessary:

1

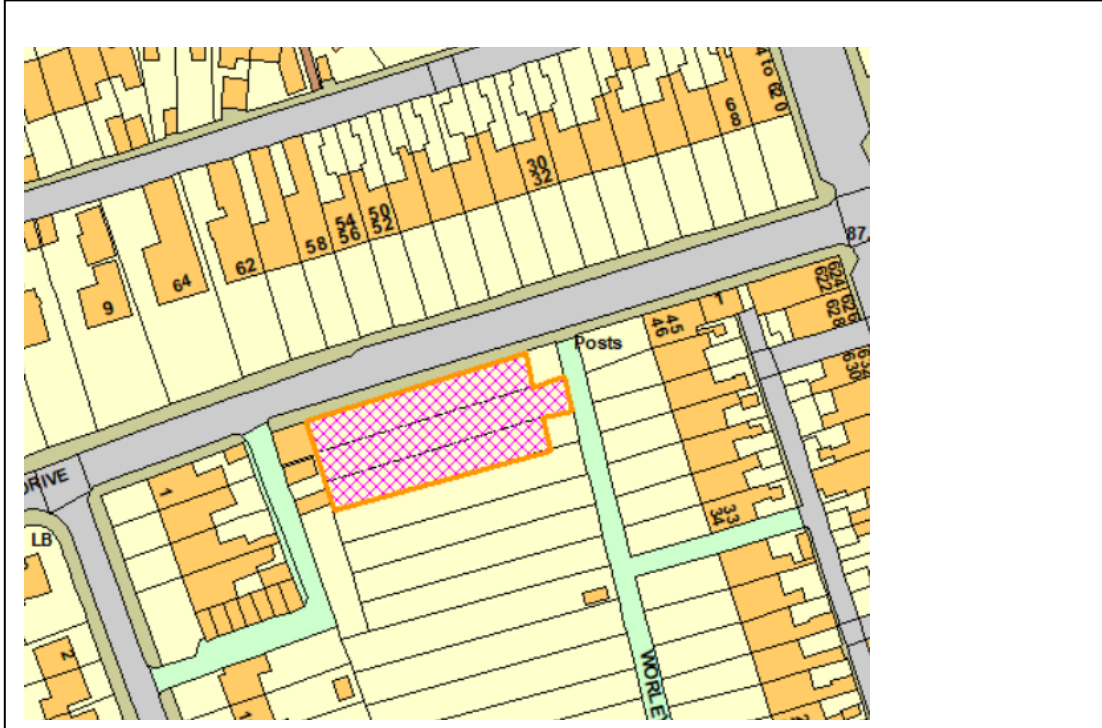
The proposed development would result in less than substantial harm to the significance of the Low Fell Conservation Area by means of inappropriate merging and subdivision of grounds, loss of trees and inappropriate building design, which would not respond positively to local distinctiveness and character and would be contrary to national and local design and conservation guidance. This harm would not be outweighed by public benefits nor does the application demonstrate clear and convincing justification for the harm to the Conservation Area. The proposal is contrary to the aims and objectives of the National Planning Policy Framework, The National Design Guide, Local Plan policies CS15, CS18, MSGP24, MSGP25 and MSGP36, and the Gateshead Placemaking SPD.

2

The proposed scale, design and arrangement (including location and extent of the proposed glazing) of the development would result in an unacceptably overbearing and oppressive impact and unacceptable level of overlooking/loss of privacy at garden land to the north east of the application site from Plot 2. The arrangement at the north east part of the application site would also result in impractical access arrangements and an unacceptable level of privacy being afforded to future occupiers of Plot 2.

The relationship of Plot 2 with the adjoining land to the south east, would also result in an unacceptably overbearing and oppressive impact and unacceptable level of overlooking/loss of privacy on that area of land.

The proposal is contrary to the aims and objectives of the National Planning Policy Framework, The National Design Guide, Local Plan policies CS14 and MSGP17, and the Gateshead Placemaking SPD.



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Committee Report

Application No:	DC/21/01285/FUL
Case Officer	Richard Smith
Date Application Valid	2 December 2021
Applicant	MR. JACK LOE
Site:	Upper Car Park Level Rear Swallow Hotel Gladstone Terrace Gateshead NE8 4DY
Ward:	Bridges
Proposal:	Subdivision of car park with a 2.4m tall palisade fence to form an ambulance parking area, including siting of a 14m x 10m prefabricated building within the secure area for use as ambulance office and training room.
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF SITE.

The application site is a section of the upper level of a car park located on Gladstone Terrace, off Prince Consort Road. The car park is privately owned and operates on a pay and display basis.

1.2 There are currently 56 car parking spaces on the upper level of the car park and 120 in total, over both of its levels. The upper car park is accessed via a ramp off Gladstone Terrace, with the entrance to the lower car park located further west off Gladstone Terrace at ground floor level.

1.3 The car park was previously owned by the Swallow Hotel, located due east, with the hotel frontage located on High West Street.

1.4 At ground floor level to the west of the car park is a hand car wash and MOT centre, whilst the main entrance to the Gateshead Indoor Bowling Club (GIBC) is located further east past the entrance to the car park on Gladstone Terrace.

1.5 Residential properties are located opposite the entrance to the upper car park on Gladstone Terrace, approximately 48 metres from the application site and 23 metres from the residential properties located on Bewick Road.

1.6 DESCRIPTION OF APPLICATION

Planning permission is sought to subdivide the upper-level car park with a 2.4m tall palisade fence to allow for two ambulance parking spaces and five vehicle parking spaces for the Gateshead Hatzola Ambulance Service.

- 1.7 The application also proposes a prefabricated building 14 metres in width, 10 metres in depth and 3 metres in height, to be located within the secured compound that would be formed as a result of the subdivision. The building is proposed to be used as an office and training room for the Hatzola Ambulance Service.
- 1.8 The applicant has confirmed that the proposed prefabricated building will be used for training of the Hatzola volunteers weekdays after 7pm and on Sundays. This would take place every 2-3 weeks and would last approximately 2 hours. With between 10-20 volunteers attending per session.
- 1.9 The office element will be used by one administrator, who will attend the unit on an afternoon/evening for a few hours each day.
- 1.10 The building will also be used as stockroom to replenish the ambulance following a call. This would be undertaken by the on-call volunteer and is expected to take around 30 minutes.
- 1.11 The applicant has confirmed recent call out numbers for the ambulance at its current location which are:
- November 2021 – 13 times
 - December 2021 – 12 times
 - January 2022 – 12 times
- 1.12 The Gateshead Hatzola is a volunteer community first response and ambulance service, which has served the Bensham and Saltwell areas of Gateshead since 1990.
- 1.13 The Gateshead Hatzola work closely with the North East Ambulance Service and with local hospitals and GPs to provide a service which compliments the NHS provision.
- 1.14 **PLANNING HISTORY**
No relevant planning history.

2.0 Consultation Responses:

None Received

3.0 Representations:

3.1 REPRESENTATIONS

Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.

- 3.2 A 253 person signed petition was received from the GIBC objecting to the application, in addition to that 3no letters of objection were received from Active

Age Gateshead, English Indoor Bowling Association and Lee Brannigan Performing Arts Academy, raising concern with regards:

- Loss of Parking
- Parking provision not in accordance with Gateshead Council Parking Charter
- Lower-level car park not suitable due to state of disrepair
- Health and Wellbeing
- Impact upon Community Services
- Impact on neighbouring amenity

3.3 38no letters of support have been received, on the grounds that the development will assist the local community, provide support to the ambulance service, good location, car park is underused, and they provide a vital service.

3.4 Councillor John Adams has formally submitted a letter of support to the application on the grounds that it is an important service to the local community.

3.5 Furthermore, the applicant submitted letters of support with the application from the NE Ambulance Service, Ian Mearns MP, the Jewish Community Council of Gateshead and the Bewick Road GP surgery.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP24 Design Quality

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when assessing this planning application are visual amenity, residential amenity and highway safety and parking.

5.2 VISUAL AMENITY

Policy CS15 of Local Plan for Gateshead requires that development should contribute to good place-making through the delivery of high quality and

sustainable design by responding positively to local distinctiveness and character.

- 5.3 Furthermore, paragraph 126 of the National Planning Policy Framework (NPPF) 2021 sets out that good design is a key aspect of sustainable development, creating better places in which to live and work. Paragraph 130 meanwhile requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and should offer a high standard of amenity for existing and future users.
- 5.4 The proposed prefabricated building will be located to the north-east of the site, set off the boundary wall of the bowling club located next to the car park. The building will be constructed in an olive-green steel wall, with a dark grey single ply roof membrane and white UPVC windows.
- 5.5 At 3 metres tall approximately, 1.34m of the building would be visible above the boundary wall to Bewick Road. Whilst officers accept the car park is currently open, and that the building would be visible from a number of viewpoints, including Bewick Road, Prince Consort Road and Gladstone Terrace, it is considered that given the size and scale of the building plus its location within the site and exterior colour it will not lead to an incongruous feature within the site or its surroundings.
- 5.6 The proposed gates and palisade fence used to sub-divide the site, are considered by virtue of their, size, scale and appearance to be appropriate given the existing use of the site.
- 5.7 Given the above, the proposed extension is considered to be acceptable and in accordance with the NPPF and policies MSGP24 and CS15 of the Local Plan for Gateshead.
- 5.8 **RESIDENTIAL AMENITY**
Policy MSGP17 states that development will be required to provide a high-quality environment and a good standard of amenity for existing and future occupants of land and buildings. To ensure it does not lead to an unacceptable impact on amenity or character of an area, and does not cause unacceptable disturbance, through an increase in noise, disturbance, traffic and parking congestion, smells, fumes or other harmful effects, or conflict with other adjoining uses, whilst safeguarding the enjoyment of light, outlook and privacy; and ensuring a high quality of design and amenity
- 5.9 Whilst policy CS14 1 (iii) looks to prevent negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality.
- 5.10 The proposed prefabricated building will be located approximately 23 metres from the nearest properties located on Bewick Road. Whilst the building will be used in the evening for training, given that it will only be in use for short period of time, coupled with no windows being located in the elevation which faces onto

Bewick Road it is not considered the proposed development will lead to an unacceptable impact upon the amenity of the properties located on Bewick Road.

- 5.11 With regards to Gladstone Terrace, the proposed prefabricated building will be located approximately 48 metres from the properties located along Gladstone Terrace. Therefore, officers consider there would be no amenity concerns as a result of the prefabricated building.
- 5.12 The entrance to the upper-level car park will be taken opposite the properties on Gladstone Terrace, following confirmation from the applicant (01.02.22) around the number of volunteers using the site, officers consider that this would not give rise to a substantial change in vehicle movements to and from the site to that which exists and would therefore not be detrimental to the amenity of the properties of the properties on Gladstone Terrace.
- 5.13 The agent has confirmed (02.02.22) that the palisade fence will be installed with a gate mechanism opening, which will be electrical, with soft open/close silent arms which will be operated by a remote for ease of access.
- 5.14 Furthermore, as per the Hatzola protocol, confirmed by the applicant (02.02.22), the sirens used by the ambulance will not be turned on until at least one street away from the application site and only if traffic dictates the need for the sirens.
- 5.15 Given the above, the proposed extension is considered to be acceptable and in accordance with the NPPF and policies MSPG17 and CS14 of the Local Plan for Gateshead.
- 5.16 HIGHWAY SAFETY AND PARKING
Paragraph 111 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.17 Policy CS13 of the CSUCP ensures any new development provides safe, secure and direct pedestrian links.
- 5.18 Whilst it is considered that the proposed development by virtue of the loss of 22 car parking spaces, could lead to an increase in on-street parking within the area. It is considered that due to the level of public parking located nearby, namely Sunderland Road, Regent Court and the Civic Centre, that the loss of parking under this application can be compensated elsewhere.
- 5.19 Representations have been made with regard to the proposed development not being in accordance with the Gateshead Council Parking Charter. As the car park is not operated by the council's parking team, the parking charter does not apply in this instance.

- 5.20 The application site is located in a highly sustainable town centre location. As previously mentioned, there are council car parks within a reasonable walking distance should parking in the multi storey car park be oversubscribed during periods of exceptional demand. If any Bowling Club members have a blue badge, they have the option to park on the double yellow lines along Gladstone Terrace for up to 3 hours.
- 5.21 Patronage of the upper-level car park varies but typically there appears to be spaces free. There is no long-term information on underground car park usage, though it appears that the underground car park is underused. Transport officers undertook a mid-week, lunch time site visit which showed that 33 cars were located on the upper-level car park and only 5 cars in the underground car park. Whilst this level of use might not always be typical, it does suggest that the loss of 22 spaces on the upper level, from a total of 120 spaces overall, would easily be offset by the substantial free space available on the lower level, or failing that, in alternate car parks nearby.
- 5.22 Representations raised concerns around the state of repair of the lower-level car park, which could not be used by members of the public, this cannot be substantiated at this time. As it is open to the public, officers can only assume that it is safe and fit for purpose.
- 5.23 Therefore, it is considered that the development is acceptable in terms of highway safety; in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, it is therefore recommended that planning consent be granted, subject to suitable conditions, as it would not cause significant harm to visual or residential amenity or highway safety. It is considered that the development complies with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.
- 6.2 Therefore, it is recommended that planning permission be granted, subject to the below conditions.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the planning conditions as necessary

1

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

2

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -

A/3517/00

A/3517/11

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

3

The development hereby permitted shall be constructed entirely of the materials detailed on the application form and plan A/3517/11.

Reason

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.



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REPORT NO 3

Committee Report

Application No:	DC/21/01297/TDPA
Case Officer	Josh Kenolty
Date Application Valid	12 January 2022
Applicant	MBNL
Site:	Kirkwood Gardens (verge Area West Of Wardley Service Station) Felling Gateshead
Ward:	Wardley And Leam Lane
Proposal:	DETERMINATION OF PRIOR APPROVAL: Proposed erection of 20m high phase 7 monopole and associated works.
Recommendation:	Prior approval required and approved
Application Type	Telecommunications DPA

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application site relates to a section of grass verge which forms part of the adopted highway alongside Kirkwood Gardens, identified within the application as Palmers Bank.

1.2 The site is located within a predominantly residential area with dwellings located to the north and west of the site along Kirkwood Gardens. However, the site is within relatively close proximity of the A184, to the south, while there is an area of open grassed land to the east of the site, with a used car dealership (North East Part Exchange Centre) to the other side of this. This commercial unit has an existing 8-metre-high mast installed on its roof, measuring to a maximum height of 12.1 metres above ground level and previously providing 4G coverage in the area (prior approval required and approved under application ref. DC/16/01057/TDPA). However, this mast has been subject to arson and is currently a dead cell.

1.3 DESCRIPTION OF THE APPLICATION

The application seeks determination of prior approval for a new telecommunications installation consisting of a new 20m high Valmont Slimline Climbable Monopole and ancillary works, which would replace the existing arson damaged mast on the adjacent commercial garage unit and provide new 5G coverage and improve capacity for EE, H3G LTE and ESN (Emergency Services Network) networks within the NE10 area of Gateshead.

1.4 Details provided by the agent for the application confirmed that the landlord would not grant consent for a new telecommunications

installation on the roof of the garage building, due to the previous arson damage suffered. An alternative site was therefore required.

- 1.5 This application is submitted following the refusal of an earlier application for prior approval for a proposed 20m high phase 7 monopole and associated works at this site (ref. DC/21/00981/TDPA), for the following reason:

The siting of the monopole and the ancillary radio equipment housing structure would have an unacceptable detrimental impact on highway safety as the development would conflict with existing regulated signage and the signalised junction adjacent to the application site, obstructing the sign and signals visually and distracting drivers from the change in speed limit sign and the signalised pedestrian crossing. The development would therefore be contrary to the requirements of paragraph 111 of the NPPF and Policy MSGP15 of the Local Plan for Gateshead.

- 1.6 A revised layout is proposed for the development by this application, in order to overcome the previous reason for refusal. An updated site address has also been provided for the application.

- 1.7 The application is made pursuant to Part 16 of Schedule 2 of the Town and Country (General Permitted Development) Order 2015 (GPDO) (as amended). The application is supported by the following documentation:

- Existing and proposed plans
- ICNIRP Certificate
- Supplementary information
- Developer notice letter and covering letters

1.8 PLANNING HISTORY

DC/21/00981/TDPA - Palmers Bank, Sunderland Road - DETERMINATION OF PRIOR APPROVAL: Proposed 20m high phase 7 monopole and associated works. (Amended plans received on 23.09.21) - Prior Approval Required & Refused

DC/21/00313/TDPA - Palmers Bank, Sunderland Road - Proposed 20m high slimline monopole, concrete base and associated ancillary works - Withdrawn.

2.0 Consultation Responses:

National Highways: No objections

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development

Management Procedure) Order 2015, which included the display of a site notice.

3.2 Joint objections have been received from Councillor Linda Green MBE, Councillor Stuart Green and Councillor Anne Wheeler which raise the following concerns

- relating to the height of the proposed mast
- the design of the antenna and the associated ground base cabins
- the size of the mast is considered to be obtrusive and in an area of high-density housing, while also in close proximity to a very busy road junction and a pedestrian crossing with a high footfall of school children attending one of the three local schools.
- further concerns were raised in relation to the risk to children from Electromagnetic Radiation
- the need to avoid pavement proliferation of equipment housed on and adjacent to pavements and walkways.
- It is also stated that this would be unfair to residents who are not permitted to construct a driveway over a grassed verge.
- In addition, the Councillors questioned the justification for a new site due to the number of existing radio and telecommunications masts in the area, with Government guidance seeking to use existing masts, buildings or other structures to keep the number of masts to a minimum.

3.3 A total of 4no. further letters of objection have been received which raise the following points:

- Out of character with streetscene
- This site is very close to houses and the proposed equipment would be an eyesore/visually intrusive for residents
- Traffic/highways concerns. Traffic lights and double yellow lines were installed to control this junction as traffic is so heavy
- The proposal will seriously impact on traffic flow during installation
- Overbearing
- Overdevelopment
- Additional noise concerns
- Proposal will attract potential vandals
- Increased risk of criminal damage
- Concern over health issues
- This mast has been refused in past
- Application states that this a replacement mast for a vandalized installation but does not explain why the previous mast cannot be replaced by a similar mast
- Loss of property value

- 3.4 A total of 1no. letters of support have been received which raise the following points:
- This mast would support me and my business for communication, both in phone calls and data.
 - Everyone who uses mobile phones needs to have a mast situated nearby.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP24 Design Quality

5.0 Assessment of the Proposal:

5.1 INTRODUCTION

This application is to determine whether the prior approval of the Local Planning Authority (LPA) is required for the siting and appearance of the proposed development under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (GPDO), as amended by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2016.

- 5.2 Before the LPA determine whether prior approval is required and assess the proposal in line with paragraph A.3 of Part 16, an assessment must be made as to whether the proposal firstly does not exceed the restrictions and limitations of paragraph A.1 and whether it would comply with the conditions of paragraph A.2. This assessment has taken place and the proposal is considered to fall within the scope of telecommunications development subject to the prior approval process.

- 5.3 Under the prior approval process, the LPA can only consider the matters of the siting and appearance of the proposed monopole and any individual radio equipment housing with a cubic content of greater than 2.5 cubic metres.

5.4 Cabinet 4 (as identified on the submitted plan 1642892_GTH109_92418_M001 Issue A') has dimensions of 2000x750x1850, so a cubic content of 2.775 metres. Therefore as well as the proposed monopole, the siting and appearance of this radio equipment housing must therefore also be considered under this prior approval application.

5.5 SITING AND APPEARANCE

The supporting statement identifies a requirement to provide improved coverage for the telecom's operators and new 5G coverage for this locality, with the new mast also needed to replace the arson damaged mast installed on the roof of the adjacent used car dealership building (to the east of the site). The new mast will provide shared coverage for EE, H3G LTE and ESN (Emergency Services Network) operators. The increased height, when compared to the existing arson damaged mast, is necessary to provide the required level of 5G coverage.

5.6 As detailed in the supporting information the cell search areas for 5G are extremely constrained, with a typical cell radius of approximately 250m, meaning that it would not be feasible to site the proposed monopole outside of this area, in order to fit within with the existing network. Furthermore, the supporting statement identifies that, increasingly, people are also using their mobiles in their homes, which necessitates a requirement to position base stations in, or close to, residential areas.

5.7 As part of the application process the applicant has investigated a number of potential sites within the required area (as detailed in the accompanying Site-Specific Supplementary Information Document) which have been discounted for both for technical operational reasons and physical limitations relating to the sites themselves.

5.8 The replacement of the existing, arson damaged mast on the roof of the adjacent garage building was considered as part of this site selection process. However, details provided by the agent for the application confirm that the landlord would not grant consent for a new telecoms' installation on the roof of the building, due to the previous arson damage suffered. The site was therefore required to be discounted and an alternative location within the search area found.

5.9 Notably, an existing 12.5-metre-high mast was identified within the search area (adjacent to Wardley Gate Care Centre to the south of the application site). This mast was approved in 2010 (application reference: DC/10/00675/TDPA) and is used by Vodafone and O2, supporting 6 antennas for these operators. Details provided by the agent confirm that this existing mast would have to be increased in height by a minimum of 15 metres to accommodate all the required operators, so would be significantly higher than the mast proposed by this application. It would

also need to be of a more substantial construction/ mass to accommodate the large number of antennas for the range of operators.

- 5.10 Based on the information submitted Council Officers consider that the approach taken by the applicant is reasonable and appropriate and are in agreement that the site is the most appropriate location for the proposed equipment.
- 5.11 Furthermore, it is noted that this prior approval application has been submitted following the refusal of a prior approval application made earlier in 2021 (ref. DC/21/00981/TDPA) on highway safety grounds. The development layout has been modified in order to retain visibility for users of the public highway. Additionally, the scale and massing of the monopole structure has been reduced when compared to a withdrawn prior approval application made earlier in 2021 (ref. DC/21/00313/TDPA). The position of the proposed mast (and equipment housing cabinets) has also been relocated to a section of grass verge forming part of the adopted highway alongside Kirkwood Gardens.
- 5.12 The application site occupies a roadside location within a predominantly residential area of Wardley, Gateshead. However, the development would also be seen within the context of its position next to a busy road junction between Kirkwood Gardens, Lingley Lane and Sunderland Road; and which also includes a slip road access off the A184 (to the south of the site). As a result, the site is surrounded by a significant amount of street furniture including lighting columns, traffic signals and road signage. As highlighted, there is also an existing (arson damaged) mast fixed to the roof of the nearby used car dealership. This telecoms mast was approved under a prior approval application in 2016, so has been a feature within this streetscape for a number of years.
- 5.13 It is acknowledged that the proposed monopole would be a taller structure (than the mast it is stated by the application that it would replace); however, viewed within the setting of the surrounding streetscene, it is not considered that it would appear out of character or overly prominent within this location. As such, it is not considered that the siting of the proposed development (including the radio equipment housing cabinet and ancillary works) would have an unacceptable impact upon the visual amenity or appearance of the surrounding area.
- 5.14 The monopole has been positioned to ensure it would not be sited within the direct outlook of any residential dwelling to the north or west of the site along Kirkwood Gardens, with the base structure of the monopole viewed within the context of the signage, traffic lights and lighting columns surrounding the adjacent, busy, pedestrian and road traffic junction. Taking this into account, as well as the position of the commercial building to the east of the site (and A184 to the south), it is not considered that the siting of the development would give rise to unacceptable detrimental impacts upon residential amenity in relation to loss of light, overbearing impact, noise or loss of privacy; and, as such,

would not detrimentally impact upon the occupiers of nearby properties and commercial units.

5.15 HIGHWAY SAFETY

As set out within the Planning History section of this report, a prior approval application was previously refused in October 2021 (ref. DC/21/00981/TDPA), as it was considered by Transport Officers that the siting of the monopole and the ancillary radio equipment housing structure would have resulted in an unacceptable detrimental impact on highway safety.

5.16 Subsequently, a site meeting was arranged, attended by the agent for the application, Transport Officers and the Planning Officer to discuss the reason for refusal and explore alternative options. The revised layout now submitted has made minor modifications to the layout of the equipment following Officer feedback; and, after further assessment by Transport Officers, it was concluded that with the amendments proposed, sufficient visibility of the traffic signals and regulated signage would be retained. It was therefore confirmed that Transport Officers had no objection to the development, as revised.

5.17 The monopole and the ancillary radio equipment housing structures would be sited on the highway verge and would not result in the reduction in width or obstruction of the adjacent pavement for pedestrians.

5.18 It was highlighted by Transport Officers that the installation process and future maintenance requirements of the equipment would need to be managed via a separate highway licence. This has been addressed by way of informative.

5.19 Furthermore National Highways (formerly Highways England) have confirmed they too, have no objections to the development.

5.20 Taking the above into account, it is considered that the revised layout of the development has overcome the previous reason for refusal and that the siting would be acceptable in terms of highway safety, according with the requirements of paragraph 111 of the NPPF and Policy MSGP15 of the Local Plan for Gateshead.

5.21 HEALTH AND SAFETY ISSUES

NPPF Paragraph 117 offers guidance on health and safety considerations in relation to mobile phone masts.

5.22 In accordance with the NPPF, applications should be submitted with "a statement that self-certifies that, when operational, International Commission guidelines will be met". Any submission should therefore address this by including supporting evidence that the installation would meet these guidelines and that no demonstrable harm would arise from the proposal.

5.23 NPPF Paragraph 118 further states that "Local Planning Authorities must determine applications on planning grounds only" and should not "set safeguards different from the International Commission guidelines for public exposure".

5.24 The applicant has submitted an ICNIRP certificate, certifying that when operational International Commission guidelines would be met. It is therefore considered that, from a planning perspective, the proposed development would be acceptable in terms of health and safety and no further assessment of the health impacts can be undertaken by the LPA. The Council's Environmental Health Team were consulted and confirmed that they wished to offer no comments or objections in relation to the proposed development.

5.25 Taking the above into account, it is considered by Officers that the siting of the proposal would not be harmful to the health and safety of residents living nearby.

5.26 OTHER MATTERS

The potential for the development to attract vandals and the increased risk of criminal damage, as well as loss of property value, have been raised within letters of objection, however these are not material planning matters and therefore cannot be taken into consideration in the assessment of this application. Further concerns have been raised relating to noise, however this does not fall within the scope of matters to be considered by this prior approval application.

5.27 Comments have also been received which raise concerns relating to the proposed access route for installation of the proposed monopole. These comments are acknowledged however these are not material planning matters that can be taken into consideration in the assessment of this prior approval application.

6.0 CONCLUSION

- 6.1 The proposal does not exceed the limitations of Part 16, Class A of the GPDO and the application complies with the relevant conditions of that Class.
- 6.2 It is considered by Officers that the siting of the monopole and the ancillary radio equipment housing structure, as amended, would not have an unacceptable detrimental impact on highway safety, overcoming the previous reason for refusal.
- 6.3 The proposed development has been assessed and is considered to be acceptable in relation to the siting and appearance of the apparatus and would not have an unacceptable impact on the amenity of the area, in accordance with the NPPF and policies CS13, CS14, CS15, MSGP15, MSGP17 and MSGP24 of the Local Plan for Gateshead.
- 6.4 In order to prevent the proliferation of telecommunications masts in this location in the interests of visual amenity, a condition is proposed requiring the removal of the arson-damaged mast no later than 3 months of the installation of the new telecommunications equipment at the application site.
- 6.5 It is therefore recommended that prior approval is required and approved, subject to the recommended condition.

7.0 Recommendation:

That Prior Approval is Required and APPROVED subject to the following condition(s) and that the Strategic Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the planning conditions as necessary:

1

Within three calendar months of the new equipment hereby approved being installed, the existing 8-metre-high stub tower 'NTQ Site 24569 Wardley Garage' (as shown on Drawing Number 1642892_GTH109_92418_M001 Revision A 250 Proposed Shared Elevation A) shall be removed from the site, unless an alternative timescale is approved in writing by the Local Planning Authority.

Reason

In the interests of protecting the visual amenity of the area in accordance with the NPPF and policies CS15, CS19 and MSGP24 of the Local Plan for Gateshead.



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REPORT OF THE STRATEGIC DIRECTOR CLIMATE CHANGE.COMPLIANCE, PLANNING AND TRANSPORT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 16 FEBRUARY 2022:

PART TWO: THE FOLLOWING APPLICATIONS, DETERMINED SINCE THE LAST COMMITTEE MEETING IN ACCORDANCE WITH THE POWERS DELEGATED UNDER PART 3, SCHEDULE 2 (DELEGATIONS TO MANAGERS) OF THE COUNCIL CONSTITUTION, ARE LISTED FOR INFORMATION ONLY.

Application ref.	Nature of proposed development	Location of proposed development	Decision	Ward
DC/20/01011/FUL	Demolition of existing industrial unit and extension of existing industrial unit (amended 13/07/21 and 11/08/21 and additional information received 27/07/21).	Hadrian Architectural , Addison Industrial Estate,	Granted;	Ryton Crookhill And Stella
DC/21/00367/TDPA	DETERMINATION OF PRIOR APPROVAL: Proposed 18m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.	Split Crow Road , Mount Pleasant,	Granted;	Deckham
DC/21/00616/TDPA	DETERMINATION OF PRIOR APPROVAL: Proposed 20m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.	Follingsby Avenue , Follingsby Park Industrial Estate ,	Granted;	Wardley And Leam Lane

DC/21/00688/REM	RESERVED MATTERS APPLICATION (relating to appearance, landscaping, layout and scale of the proposed development) for erection of industrial unit (Class B2 and/or B8). (Pursuant to OUTLINE APPLICATION DC/18/01218/OUT) (amended 02/08/21, additional information/amended 10/08/21 and amended 14/12/2021)	McCann Transport Ltd, Ravens House,	Granted;	Lamesley
DC/21/00780/HHA	Dormer window to rear and velux windows to front (as amended 20.01.22)	9 Cedar Crescent, Gateshead,	Granted;	Low Fell
DC/21/00729/HHA	Single storey front and side extension (as amended 23.12.21)	32 Rowanwood Gardens, Lobley Hill,	Granted;	Lobley Hill And Bensham
DC/21/00903/HHA	Proposed raising of garage roof	177 Kells Lane, Gateshead,	Granted;	Low Fell
DC/21/00906/HHA	Rear two storey and rear single storey extensions	2 Lilley Terrace, Rowlands Gill Central,	Granted;	Chopwell And Rowlands Gill
DC/21/00915/HHA	Proposed single storey side extension (Amended 10.01.2022)	Holly House , Shields Road,	Granted;	Pelaw And Heworth
DC/21/00919/HHA	Proposed garden room	54 Briarsyde Close, Fellside Park,	Granted;	Whickham South And Sunnyside

DC/21/00978/TPO	Canopy reduction to Ash tree located to rear of Dene House Alumwell Road (amended 25/11/21).	Dene House, Alumwell Road,	Granted;	Low Fell
DC/21/01184/FUL	Proposed variation of Condition 1 (Approved Plans) of application DC/20/00165/FUL to allow amendment to window detailing.	Whickham And District Social Club, School Street,	Granted;	Whickham North
DC/21/01030/FUL	Proposed erection of 2.4m high fence enclosure to form community garden (amended plan received 17.12.2021).	Bensham Court, Gateshead,	Granted;	Lobley Hill And Bensham
DC/21/01032/HHA	Proposed two story rear extension	4 North View West, Highfield,	Granted;	Chopwell And Rowlands Gill
DC/21/01046/FUL	Construction of new warehouse to store GRP coil and aluminium and steel extrusion, new tarmac yard and link road to existing. (Amended plans received on 08.12.21)	Jb Components Ltd , Heworth House, Willian Street,	Granted;	Felling

DC/21/01094/FUL	Proposed external alterations to existing industrial unit (supporting information received 13.12.2021).	Ryder Vans, Fell Bank,	Granted;	Birtley
DC/21/01163/TPO	Tree works at Underhill	Cheviot Housing Association , Underhill,	Granted;	Low Fell
DC/21/01173/HHA	Proposed flat roof rear dormer and 2 rooflights to front elevation	47 Cedar Crescent, Low Fell,	Refused;	Low Fell
DC/21/01175/HHA	Proposed alterations to front/side elevation with new roof and the erection of a proposed two-storey rear extension with pitched roof.	Beechwood , The Grove,	Granted;	Chopwell And Rowlands Gill
DC/21/01181/HHA	Alterations including a proposed lightwell to rear, excavation of basement to create a living room and erection of a two storey rear extension.	17 Claremont Place, Bensham,	Granted;	Lobley Hill And Bensham
DC/21/01182/LBC	LISTED BUILDING CONSENT: Alterations including a proposed lightwell to rear, excavation of basement to create a living room and erection of a two storey rear extension.	17 Claremont Place, Bensham,	Granted;	Lobley Hill And Bensham

DC/21/01328/COU	Change of use of section of grassed land to rear of 65 and 67 Ancaster Road to private grassed land including erection of 1.8m high fence (retrospective application).	65 And 67 Ancaster Road, Newcastle Upon Tyne,	Granted;	Whickham South And Sunnyside
DC/21/01248/COU	Change of use from office to taxi booking office (sui generis).	12 Vance Business Park , Norwood Road,	Granted;	Lobley Hill And Bensham
DC/21/01255/FUL	Variation of condition 3 of application DC/19/01166/COU to allow 5 dogs in studio at any one time (previously restricted to no more than 2 dogs).	Eds Shearings Dog Grooming Studio, 106E Kells Lane,	Granted;	Low Fell
DC/21/01259/TPO	Tree work at Oak Tree House, 23 Weston Avenue.	Oak Tree House , 23 Weston Avenue,	Granted;	Whickham South And Sunnyside
DC/21/01293/HHA	Part demolition and re position of front brickwork wall and pillar, demolition of existing ramp to side and front with replacement ramp, remove gravel areas and replace with astroturf, hard standing paving to match existing	42 Denewell Avenue, Gateshead,	Granted;	Low Fell
DC/21/01289/HHA	Single storey front and side extension.	4 Townley Road, Rowlands Gill Central,	Granted;	Chopwell And Rowlands Gill

DC/21/01303/HHA	Proposed two storey side extension (as amended 20.01.22)	8 Connolly Terrace, Blackhall Mill,	Granted;	Chopwell And Rowlands Gill
DC/21/01306/FUL	Erection of replacement wire mesh panel fence around tennis courts.	Tennis Courts , Saltwell Park,	Granted;	Saltwell
DC/21/01307/HHA	Single storey extension to front and side	33 Beechwood Avenue, Gateshead,	Granted;	Chowdene
DC/21/01315/HHA	Single storey side and rear extension	61 Oakfield Road, Whickham,	Granted;	Whickham North
DC/21/01316/HHA	Erection of a proposed ground floor side extension.	41 Clavering Road, Swalwell,	Granted;	Whickham North
DC/21/01351/HHA	First floor extension above existing garage and garden room to rear	20 Warwick Avenue, Newcastle Upon Tyne,	Granted;	Whickham North
DC/21/01333/LBC	LISTED BUILDING CONSENT: Cleaning, re-pointing and refurbishment of War Memorial (additional information 06.01.2022)	Stargate War Memorial, Stargate Lane / King Edwards Road,	Granted;	Ryton Crookhill And Stella
DC/21/01352/HHA	Additional of a small window to the side elevation of the property on first floor.	2 Pinewood Gardens, Lobley Hill,	Granted;	Lobley Hill And Bensham

DC/21/01353/ADV	Installation of 1no. externally illuminated fascia sign on North elevation and 1no. externally illuminated fascia sign on West elevation of Shopping centre (Description amended)	1 Blaydon Shopping Centre, Wesley Court,	Temporary permission granted;	Blaydon
DC/21/01356/HHA	New front elevation porch.	13 Woodlands Way, Winlaton,	Granted;	Winlaton And High Spen
DC/21/01359/HHA	Demolition of existing conservatory and erection of a proposed single-storey rear extension.	28 Mountside Gardens, Dunston Hill,	Granted;	Dunston Hill And Whickham East
DC/21/01394/HHA	Raise existing roof by 800mm (retrospective)	3 The Court, Newcastle Upon Tyne,	Granted;	Dunston Hill And Whickham East
DC/21/01370/HHA	Conservatory to rear.	41 Horsley Avenue, Crawcrook,	Granted;	Crawcrook And Greenside
DC/21/01375/HHA	Proposed single storey side and rear extensions (resubmission)	4 The Steadings, Greenside,	Granted;	Crawcrook And Greenside
DC/21/01387/HHA	Proposed First Floor Rear Extension.	30 Cromwell Ford Way, Ryton,	Granted;	Ryton Crookhill And Stella
DC/21/01401/HHA	Erection of a two-storey side extension and single storey rear extension.	12 Lanthwaite Road, Sheriff Hill,	Granted;	Low Fell

DC/21/01402/HHA	Proposed single storey rear extension	Roverdene , The Grove,	Granted;	Chopwell And Rowlands Gill
DC/21/01403/FUL	Single storey side extension.	Central House , Ninth Avenue East,	Granted;	Lamesley
DC/21/01406/TPO	Works to Trees located at side of Unit 5 Queens Court North	Unit 5, Queens Court North,	Granted;	Lobley Hill And Bensham
DC/21/01411/HHA	Single storey side and rear extension and alternations to fenestration	20 The Cedars, Whickham,	Granted;	Whickham South And Sunnside
DC/21/01443/HHA	Proposed two storey side extension and alterations to existing bay window.	13 Killowen Street, Gateshead,	Granted;	Low Fell
DC/21/01421/HHA	To erect a ground floor rear extension to dining room (as amended 27.01.22)	27 Pennyfine Road, Sunnside,	Granted;	Whickham South And Sunnside
DC/21/01425/HHA	First Floor rear extension with internal alterations	29 Mitchell Street, Crawcrook,	Granted;	Crawcrook And Greenside
DC/21/01426/HHA	Single story rear extension.	4 Southfield Gardens, Whickham,	Granted;	Dunston Hill And Whickham East
DC/21/01453/HHA	Front entrance porch	33 Coniston Gardens, Gateshead,	Granted;	High Fell

DC/21/01463/HHA	Proposed Single-storey rear extension.	13 Holyoake Gardens, Gateshead,	Granted;	Deckham
DC/21/01438/HHA	Proposed Ground Floor Rear Extension	36 Selkirk Crescent, Northside,	Granted;	Lamesley
DC/21/01440/HHA	Proposed rear and side extensions	66 Slaley Close, Felling,	Granted;	Wardley And Leam Lane
DC/21/01493/DEM	DETERMINATION OF PRIOR APPROVAL: Demolition of former British Steel Building.	Former British Steel Building , Land South Of Chain Bridge Road,	Granted;	Blaydon

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TITLE OF REPORT: Enforcement Team Activity

REPORT OF: Anneliese Hutchinson, Service Director – Climate Change, Compliance, Planning and Transport

Purpose of the Report

- To advise the Committee of the activity of the Enforcement Team since the last Committee meeting.

Background

- The Enforcement team deal with proactive and reactive investigations in relation to Planning, Highway and Waste related matters.

Recommendations

- It is recommended that the Committee note the report.

Within the date range commencing 08.01.22 and ending 31.01.22 the enforcement team has received 131 new service requests.

Type of complaint	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
PLANNING	24	16	94	0
HIGHWAYS	16	14	22	0
ABANDONED VEHICLES	80	N/A	N/A	0
WASTE	11	11	1	46
TOTALS	131	41	117	46

COURT HEARINGS

The Enforcement Team attended no Court Hearings



**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**
16th February 2022

TITLE OF REPORT: Enforcement Action

REPORT OF: Anneliese Hutchinson, Service Director – Climate
Change, Compliance, Planning and Transport

Purpose of the Report

1. To advise the Committee of the progress of enforcement action previously authorised by the Committee.

Background

2. The properties, which are the subject of enforcement action and their current status, are set out in Appendix 2.

Recommendations

3. It is recommended that the Committee note the report.

1. FINANCIAL IMPLICATIONS

Nil.

2. RISK MANAGEMENT IMPLICATIONS

Nil.

3. HUMAN RESOURCES IMPLICATIONS

Nil.

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil.

6. SUSTAINABILITY IMPLICATIONS

Nil.

7. HUMAN RIGHTS IMPLICATIONS

The Human Rights Act states a person is entitled to the peaceful enjoyment of his possessions. However, this does not impair the right of the state to enforce such laws, as it deems necessary to control the use of property and land in accordance with the general interest.

8. WARD IMPLICATIONS

Birtley, Bridges, Blaydon, Pelaw & Heworth, Chowdene, Crawcrook & Greenside, Ryton, Crookhill and Stella, Chopwell and Rowlands Gill, Wardley & Leam Lane, Windy Nook And Whitehills, Winlaton and High Spen, Whickham North, Whickham South and Sunnyside, Lobley Hill and Bensham. Lamesley, Dunston Hill and Whickham East and Low Fell.

9. BACKGROUND INFORMATION

Nil.

APPENDIX 2

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
1.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlaton and High Spen	Change of use from agricultural to mixed use for keeping of horses, breaking, dismantling of vehicles, storage and burning of waste and the storage of caravans and vehicle bodies.	25 March 2013	25 March 2013	29 April 2013	29 June 2013	Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315 During investigation it was established that the land was being used for a range of inappropriate uses. Despite attempts to negotiate with the landowner to reach a satisfactory conclusion no sustained improvement was secured. Therefore, an enforcement notice has been issued requiring the removal of the inappropriate material from the site together with the cessation of the unauthorised use. No appeal has been received and the notice has taken effect.
2.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlaton and High Spen	Erection of a breeze block building	25 March 2013	25 March 2013	29 April 2013	29 June 2013	Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315 During investigations, it was established that a building had been erected without consent. The building is considered to be unacceptable and therefore the council have issued an enforcement notice requiring the removal of the unauthorised building No appeal has been received and the notice has taken effect. The new owner of the site has been contacted and works are well underway to tidy the site with the demolition of the breeze block structure taking place in the near future A site visit has been arranged for the week commencing the 29 th October to look at the costs of carrying out work in default.
3.	Land at Woodhouse Lane, Swalwell (Known as South West Farm Site One) Known as South West Farm Site Two)	Swalwell Swalwell	Without planning permission the change of use of the land from agriculture to a mixed use for agriculture, storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair Without planning permission the change of use of the land from agriculture and reception, composting and transfer of green waste to a mixed	11 January 2016 11 January 2016	12 January 2016 12 January 2016	15 February 2016 15 February 2016	14 March and 4 July 2016 14 March and 4 July 2016	Notices were issued in September 2015 in respect of an unauthorised scrap being stored. Due to the scale of the breach of planning control an additional Notice was required in relation to the potential Environmental Impact of the Development. As such the original Notices (which were all being appealed) were withdrawn and further Notices have now been issued including those in respect of the requirement to carry out an Environmental Impact Assessment and provide an Environmental Statement with an subsequent appeals. The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap. Both defendants pleaded guilty at New castle Crown Court and both received a fine of £750. Each defendant was ordered to pay costs of £422.50 and a victim surcharge of £75. The site has to be cleared in 6 months. The site has recently been revisited and it is likely further action will be required.

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
	(Known as South West Farm Site Three)	Swalwell	use for agriculture and the storage of vehicles, agricultural equipment and parts, repair and restoration of vehicles and machinery and the reception, composting and transfer of green waste. Without planning permission the change of use of the land from agriculture to a mixed use for agriculture and the storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair	11 January 2016	12 January 2016	15 February 2016	14 March and 4 July 2016 29 th Sep 2018	<p>A site visit was undertaken in October where it was evident that the land has not been cleared and additional scrap had been brought on to the site. A further prosecution file is currently with the Council's legal department.</p> <p>A court date has been issued for the 26th April 2019 at Gateshead Magistrates Court.</p> <p>The court date has been re issued for the 10th June 2019. In the interim officers are actively pursuing quotes to clear the land, to ascertain whether this is financially viable.</p> <p>The Court date has been adjourned until 24th June at 10am, discussions are to take place with the landowner prior to the court date to progress with the clearance of the land.</p> <p>A site visit was undertaken on the 29th June, two of the areas of land have been significantly cleared, efforts are being made by the owners to clear the third piece of land prior to the court date.</p> <p>The trial date has been arranged for the 24th September 2019</p> <p>On the 20th January Mr J Tate and Mr M Tate pleaded guilty to failing to comply with the enforcement notices. The Magistrates fined both Tate's £500.00 each with cost of £300.00 each and a victim surcharge of £50.00 each. A total of £850.00 each.</p>
4.	Blaydon Quarry , Lead Road, Gateshead	Craw crook and Greenside	Breach of Planning Conditions	27 th March 2018	28 th March 2018	28 th March 2018	28 th April 2018	<p>Complaints have been received that the site has been open outside the approved hours, following further investigation this has been confirmed, therefore a notice has been served in relation to breach of condition 51 to ensure no HGV'S enter or leave the site before 06.30 or after 18.00 hours on Monday to Friday nor after 13.00 hours on Saturdays and no times on Sunday and Bank and Public holidays.</p> <p>A site visit was undertaken on the 20th June in conjunction with the Environment Agency, to monitor the hours of operation. At the time of the visit no tipping was taking place, however activity on site will continue to be monitored.</p>
5.	Blaydon Quarry Lead Road, Gateshead	Craw crook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th December 2019	<p>Blaydon Quarry is in breach of several planning conditions. A Notice has been served in relation to condition 23 to require installation of a drainage system. The Council has designed an acceptable scheme to be installed in the interests of surface water drainage and to enable the safe and successful restoration of the site.</p> <p>A site visit was undertaken on the 4th June, where drainage works had commenced. Officers are working closely with the Operator of the quarry to ensure compliance.</p> <p>A discharge of condition application has been submitted in relation to condition 23 for the Council to assess.</p>

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
								An appeal has been submitted in relation to the enforcement notice.
6.	Blaydon Quarry Lead Road, Gateshead	Craw crook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th October 2019	<p>Blaydon Quarry is in breach of several planning conditions. A Notice has been served in relation to condition 24 to require installation of the previously approved drainage system on the southern boundary, in the interests of surface water drainage and to enable the safe and successful restoration of the site.</p> <p>A discharge of condition application has been submitted in relation to condition 24 for the Council to assess.</p> <p>An appeal has been submitted in relation to the enforcement notice.</p> <p>Wardell Armstrong on behalf of the Operator has withdrawn the Enforcement Appeal.</p>
7.	81 Dunston Road, Gateshead NE11 9EH	Dunston and Teams	Untidy Land	25 th July 2019	25 th July 2019	22 nd August 2019	03 rd October 2019	<p>Complaints have been received regarding the condition of the property which is considered to have a detrimental impact on the visual amenity of the area. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the hedge be cut, all boarding removed from windows and the windows and frames made good. It also required that all the guttering and down pipes be re attached to the building.</p> <p>Estimates have been received for the council to do the works in default if the Notice is not complied with by the 1st May.</p> <p>Given the current Covid19 situation, the works in default have been delayed and an extension given to the homeowner.</p>
8.	High Spen Excelsior Social Club Ramsay Street Rowlands Gill NE39 2EL	Winlaton and High Spen	Untidy Land	10 th February 2020	10 th February 2020	13 th March 2020	13 th April 2020	<p>Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished and all rubbish and debris removed from the site.</p> <p>The notice has been withdrawn. Officers are currently working with the owners to compile a schedule of repairs and dates for completion.</p> <p>A revised notice was re-served, on the 4th August. The notice was not appealed. The site owners have until the 1st November to demolish the building and clear the land. Notice not complied with. A Demolition method statement is being prepared by construction services. Demolition is not straight forward due to structural integrity of building and presence of asbestos containing materials.</p>

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
9.	Dynamix Albany Road Gateshead	Bridges	Unauthorised change of use	13 th October 2020	13 th October 2020	17 th November 2020	18 th May 2021	<p>Complaints have been received regarding the change of use from a vacant warehouse to a mixed use comprising skate park, residential planning unit and storage of building and scrap materials therefore, an Enforcement Notice has been issued requiring the unauthorised use of the land to cease and all materials and vehicles be removed from the land</p> <p>The occupier of the site has appealed the notice to the planning inspectorate</p> <p>The Appeal has been determined and the Notice has been upheld.</p>
10.	Former Co-op Kibblesworth, Gateshead NE11 0XL (Land at the north side of Front Street, Kibblesworth)	Lamesley	Untidy Land	3 rd February 2021	3 rd February 2021	8 th March 2021	31 st May 2021	<p>Complaints have been received regarding the condition of the land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the demolition of the building and all waste removed from the land. The land is then to be levelled and graded.</p> <p>The owner of the site has instructed a planning agent to deal with the notice on their behalf.</p> <p>The notice has been withdrawn, officers are currently working with the owners and agent towards a mutual outcome.</p>
11.	Dynamix Albany Road Gateshead	Bridges	Untidy Land	27 th August 2021	27 th August 2021	27 th September 2021	27 th December 2021	<p>Complaints have been received regarding the condition of the land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring all waste be removed from the land, the mounds of rubble be removed to ground level and all the graffiti cleaned from the building.</p>
12.	148 Sheriffs Highway, Gateshead, Tyne and Wear, NE9 5SD	Low fell	Untidy Land	17 th November 2021	17 th November 2021	16 th December 2021	27 th January 2021	<p>Complaints have been received regarding the condition of the land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring 17 vehicles and all waste be removed from the land, and the site cleared. The site has been cleared of vehicles and secured.</p>



**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE
16 February 2022**

TITLE OF REPORT: Planning Appeals

REPORT OF: Anneliese Hutchinson, Service Director, Development,
Transport and Public Protection

Purpose of the Report

1. To advise the Committee of new appeals received and to report the decisions of the Secretary of State received during the report period.

New Appeals

2. There have been **no** new appeals lodged since the last committee.

Appeal Decisions

3. There have been **four** new appeal decisions received since the last Committee:

DC/21/00019/HHA - Hayfield House, 4 Whaggs Lane, Whickham
Proposed ground floor extension to existing garage, new first floor extension above with associated roof works and construction of outbuildings, associated drainage and external works. Amended plans received 16/04/21.

This is a pending application.

Allowed on appeal 26 January 2022

DC/21/00702/HHA – Maxton, Church Drive, Sheriff Hill, Gateshead
Conversion of loft space to form habitable room, with addition front and rear velux windows and a cottage dormer

This was a delegated decision refused on 28 September 2021

Appeal dismissed 7 January 2022

DC/21/00734/HHA - 14 Burnop Terrace, High Spen
Proposed first floor extension above existing single storey offshoot to the south elevation

This was a delegated decision refused on 14 September 2021

Appeal dismissed 19 January 2022

DC/21/00992/HHA - 227 Prince Consort Road, Gateshead
Resubmission of DC/21/00521/HHA for a first floor rear extension

This was a delegated decision refused on 14 September 2021

Appeal dismissed 31 January 2022

Appeal Costs

4. There have been **no** appeal cost decisions.

Outstanding Appeals

5. Details of outstanding appeals can be found in **Appendix 3**.

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

The subject matter of the report touches upon two human rights issues:

The right of an individual to a fair trial; and
The right to peaceful enjoyment of property

As far as the first issue is concerned the planning appeal regime is outside of the Council's control being administered by the First Secretary of State. The Committee will have addressed the second issue as part of the development control process.

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/20/00093/COU	Blaydon Butchers 15 Clavering Road Blaydon NE21 5HH	Change of use from cafe (Use Class A3) to a mixed use of cafe and hot food takeaway (mixed uses A3/A5)	Written	Appeal in Progress
DC/21/00019/HHA	Hayfield House 4 Whaggs Lane Whickham	Proposed ground floor extension to existing garage, new first floor extension above with associated roof works and construction of outbuildings, associated drainage and external works. Amended plans received 16/04/21.	Written	Appeal allowed
DC/21/00460/HHA	3 Home Avenue Low Fell Gateshead	Proposed two storey extension to side elevation, porch to front elevation and construction of detached garage/store within side garden.	Written	Appeal in progress
DC/21/00525/CPL	Hillcrest Stannerford Road Ryton	CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT: Erection of two single-storey buildings within curtilage of existing dwelling to be used as games room and garden store.	Written	Appeal in progress
DC/21/00702/HHA	Maxton Church Drive Sheriff Hill Gateshead NE9 5RB	Conversion of loft space to form habitable room, with addition front and rear velux windows and a cottage dormer	Written	Appeal dismissed
DC/21/00732/FUL	Lands At & To The Rear: 21 & 23 Monkridge Gardens With Disused	Proposed deletion of Conditions 5 and 6 (to remove footpath provision); and proposed variation of Condition 1 (approved plan suite); and Conditions 3 & 4	Written	Appeal in progress

	Pavilion & Hardstanding Off Monkridge Gardens Dunston Hill Gateshead	(materials); and Condition 9 (cycle storage); and Conditions 16 & 17 (bird & bat boxes) of extant application GMBC Ref: DC/20/01183/FUL approved: 9 April 2021 for "full planning permission for the erection of 9 dwellinghouses with front and back gardens and driveway parking; new shared-surface, vehicular and pedestrian access between Numbers 21 & 23 (both retained), visitor parking area and landscaped areas (as amended 08/03/21)." (Amended 25/08/21).		
DC/21/00734/HHA	14 Burnop Terrace High Spen Rowlands Gill	Proposed first floor extension above existing single storey offshoot to the south elevation	Written	Appeal dismissed
DC/21/00992/HHA	227 Prince Consort Road Gateshead	Submission of DC/21/00521/HHA for a first floor rear extension	Written	Appeal dismissed

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Appeal Decision

Site visit made on 7 December 2021

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th January 2022

Appeal Ref: APP/H4505/D/21/3283937

Maxton, Church Drive, Sheriff Hill, Gateshead NE9 5RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Luke against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref DC/21/00702/HHA, dated 28 May 2021, was refused by notice dated 28 September 2021.
 - The development proposed is the conversion of loft space to form habitable room, incorporating 1 No. Velux roof lights to the rear & 1 No. Velux roof lights to the front with cottage dormer.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has confirmed that the application was originally made in the maiden name of Hunter and their surname is now Luke.
3. The Council have referred to 'The Local Plan for Gateshead' in the officer report and refusal reason, however neither policy document I have been supplied with has that title. The policies referred to are contained within the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne entitled 'Planning for the Future' (CS) (2015) and the Site Allocations and Development Management Policies document entitled 'Making Spaces for Growing Places (MSGP) (2021). I have considered the appeal on that basis.

Main Issues

4. The main issue is the effect of the development on the character and appearance of the appeal property and the Sheriff Hill Conservation Area.

Reasons

5. The appeal property is a semi-detached two-storey house on Church Drive, a private unmade road accessed from Church Road which serves a small number of properties. It lies within the Sheriff Hill Conservation Area (CA). The appeal property is constructed of brick and render with a slate, hipped roof. The elevation facing onto Church Drive has a functional feel to it. The principal windows of the property face the garden and across the valley, largely screened by a wooded area in front of it, giving the impression that the rear elevation faces Church Drive rather than the front elevation.

6. In order to convert the loft a narrow pitched-roof dormer is proposed on the elevation of the house facing onto Church Drive. Two rooflights are also proposed however, the refusal reason is confined to issues relating to the appearance of the dormer.
7. The dormer would sit slightly above the height of the eaves and its ridge would match that of the host property. As a result of its height and central positioning along the roof plane the dormer would appear as an incongruous feature and would overly dominate the front elevation.
8. The tile hung detailing to match the roof of the house proposed would be appropriate for this type of development and would be in keeping with the host property. However, it would not adequately mitigate its incongruity and over-dominance.
9. The guidelines for dormer windows are set out in chapter 11 of the Council's Householder Alterations and Extensions SPD (2011) (SPD). The guidance states that front dormers should be confined to the rear of a property. However, this is an unusual situation where the functional rear of the property is at the front of the house and it would seem appropriate therefore to place a dormer on this elevation for practical reasons relating to the internal layout of the house. Nevertheless, for the reasons I have referred to above, the dormer would unacceptably harm the character and appearance of the host property.
10. Section 72(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 places a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of the CA. In considering the effect of the proposal on the CA the impact must be weighed against the harm it would have on the heritage asset.
11. The significance of the CA is derived from its architectural and historic character with the existing street pattern and form reflecting its historic development. In the vicinity of the appeal property, there are properties of a variety of ages and styles, including some modern residential development currently taking place further up Church Road. There is no dominant style or layout of buildings in this part of the CA, leading to a character of informality. The appeal property sits at the top of the escarpment and can be seen from several vantage points from within the CA, particularly from the north and east of the site, as well as Church Drive itself.
12. The appeal proposal would introduce a form of development which by virtue of its vertical emphasis would be prominent when viewed from these vantage points. As such, it would result in an incongruous feature appearing out of place in this part of the CA. On my site visit I did observe a number of other properties which have either been altered to include dormer windows or were constructed originally with dormers. However, these features are not a dominant characteristic of this part of the CA and in all cases are less prominent than the proposal before me would be. The harm to the CA would, nevertheless, be less than substantial.
13. Paragraph 202 of the National Planning Policy Framework states that where the harm is less than substantial, this harm should be weighed against the public benefits of the proposal. The ability to be able to work from home due to the pandemic does carry some weight as a public benefit. However, it would be

largely a private benefit and would not outweigh the harm derived from the proposed dormer.

14. I therefore find that the proposed dormer would have an unacceptably harmful impact on the character and appearance of the appeal property and would fail to preserve or enhance the character or appearance of the CA. As such it would be contrary to CS policy CS15 and MSGP Policy MSGP24 which seek to ensure that development is of a high quality and conserves or enhances heritage assets. It would also fail to comply with the SPD.

Conclusion

15. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

Katherine Robbie

INSPECTOR

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Appeal Decision

Site visit made on 18 January 2022

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2022

Appeal Ref: APP/H4505/W/21/3285578

Hayfield House, 4 Whaggs Lane, Whickham, NE16 4PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Philip McGuire against Gateshead Metropolitan Borough Council.
 - The application Ref DC/21/00019/HHA, is dated 11 January 2021.
 - The development proposed is the alteration and extension of the existing dwelling at ground and first floor level, construction of outbuilding, associated drainage and external works.
-

Decision

1. The appeal is allowed and planning permission is granted for the alteration and extension of the existing dwelling at ground and first floor level, construction of outbuilding, associated drainage and external works. at Hayfield House, 4 Whaggs Lane, Whickham, NE16 4PF in accordance with the terms of the application, Ref DC/21/00019/HHA, dated 11 January 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Drwg No: 1010 Rev P02; Existing rear garden Drwg No: 1020 Rev P01; Proposed Drwg No: 1110 P10 and Proposed outbuilding Drwg No: 1160 Rev P05.
 - 3) The development hereby permitted shall be constructed entirely of the materials detailed and shown on the approved plans and which shall, in the case of the alterations and extensions to the existing house, be a match for those of the existing property.
 - 4) The development hereby permitted shall be carried out in complete accordance with the details set out in the 'Arboricultural Impact Assessment' (Dendra Consulting Ltd) dated 22 July 2021 (Ref: McGuire_HayfieldHouse_AIA1.1).

Preliminary Matters

2. Although I have not been supplied with copies of the development plan policies referred to by the Council in their officer report, I am familiar with their content by virtue of other cases within the borough that I am dealing with. I have also amended the development description slightly but in doing so I am satisfied

that no party would be disadvantaged. I have determined the appeal accordingly.

Background and Main Issues

3. This appeal derives from the Council's failure to give notice of a decision within the prescribed period. Had the Council determined the application they would have approved it subject to conditions. Thus, the officer report identifies character and appearance, highways matters and living conditions as the main issues in the consideration of the application, before concluding that there would be no harm arising in these respects. As a consequence, there are no contested matters between the main parties.
4. Nevertheless, an interested party has raised objections to the proposal, and in particular the outbuilding, on a number of grounds. I therefore consider the main issues in the determination of this appeal to be the effect of the proposed outbuilding, upon:
 - The living conditions of occupiers of neighbouring properties, with particular regard to privacy and noise and disturbance;
 - Trees and hedges; and
 - Drainage.

Reasons

Living conditions

5. The design of the outbuilding was revised during the course of the Council's consideration of the planning application and prior to the submission of this appeal. It is not a particularly large building with a footprint roughly the size of a double garage. However, in addition to the building's footprint, its roof would also provide a covered area over a decking area at the side and front of the garden room.
6. It would be located some way from the rear Hayfield House but, by virtue of the layout of surrounding properties, closer to the neighbouring properties on Hayfield Lane and Cornmoor Road than to the appeal property itself. However, the outbuilding would effectively turn its back on the closest of the Cornmoor Road properties. With a blank rear elevation and extended rear wall to the covered decking area, I am satisfied therefore that there would be no adverse impact in terms of privacy or overlooking to the closest Cornmoor Road property to the rear.
7. With regard to properties on Hayfield Lane, the glazed side elevation would face towards the hedge and shrubs separating the appeal property from those on Hayfield Lane. The existing hedge, although dense and substantial for most of its length along the garden plot's southern boundary, does become patchy towards the rear. However, the garden room building itself would be a reasonable distance from the southern garden boundary, whilst a combination of the hedge and a timber fence would mitigate concerns regarding privacy and overlooking, and activity carried on within and around the garden room.
8. I have carefully considered the concerns of a neighbouring resident regarding the potential for noise and disturbance to arise from the use of the garden room, and particularly its use as a social and entertaining space. However, I

am satisfied that the measures and circumstances noted above would not be excessively felt or out of keeping within a residential setting and context.

9. For these reasons therefore, I am satisfied that the proposal would not result in negative impacts upon the residential amenity and living conditions of occupiers of neighbouring properties, with particular regard to noise, disturbance and privacy. There would be no conflict with Core Strategy¹ (CSUCP) policy CS14 or policies MSGP17 or MSGP24 of the 'Making Spaces for Growing Places' Site Allocations and Development Management Policies (DMP) as a consequence.

Trees and hedges

10. A small group of trees and shrubs, including laurel and holly, would be removed to facilitate the construction of the building and covered decking area. Whilst this group has some value in providing screening between the appeal property and the adjacent garden area, I agree with the conclusions of the appellant's 'Arboricultural Impact Assessment'² (AIA) that it has low arboricultural value and is not a significant contributory presence to the otherwise verdant sylvan rear garden setting of this and other properties.
11. The AIA considers the position of trees, shrubs and hedges relative to the proposed garden room and sets out mitigation measures appropriate and proportionate to a modest domestic outbuilding and area of decking. The removal of the group of vegetation referred to in the AIA would not compromise the prevailing character of pleasant and well-stocked garden areas where there is otherwise strong tree, hedge and shrub cover, particularly along and close to boundaries between properties. There would be no conflict with CSUCP policies CS14 or CS15, or with DMP policies MSGP17 or MSGP24 as a consequence.

Drainage

12. The proposed outbuilding would, it has been suggested by a neighbouring resident, be sited in an area prone to flooding. The area towards the rear of the existing garden is lower than other areas of the garden which are closer to Hayfield House and there appears to be a low-lying area former pond or ditch to the west of the proposed outbuilding's intended location.
13. However, the building itself would be modestly scaled and proportionate to the nature, scale and character and of its domestic setting. The appellant has clarified intentions in terms of a soakaway and water-butt interception of rainwater run-off from the roof. I find the measures to be appropriately proportionate to this element of the proposal and, as such, there would be no conflict with CSUCP policy CS15 or with DMP policies MSGP17 or MSGP24.

Other Matters

14. The proposal also sets out a range of works of alteration and extension to the main house, to which there is no dispute between the appellant and the Council. Nor are any objections raised to these elements of the proposal by the interested party. Having carefully considered these other elements of the

¹ Core Strategy and Urban Core Plan for Gateshead and Newcastle (CSUCP)

² Arboricultural Impact Assessment' dated 22 July 2021: Dendra Consulting Ltd (Ref: McGuire_HayfieldHouse_AIA1.1)

proposal I agree, and there would be no harm arising in terms of character and appearance, highways matters and living conditions and no conflict with CSUCP policies CS13, CS14 or CS15 or DMP policies MSGP15, MSGP17 or MSGP24.

Conditions

15. The Council seek to rely upon the suggested conditions attached to their delegated officer report. I have considered these conditions in light of the Framework and Planning Practice Guidance.
16. I agree that time limit and plans conditions are necessary and reasonable, and I have imposed these conditions in the interests of good planning and to provide certainty. A materials condition requiring the use of the materials specified on the plans and to match the main house, where applicable, is also reasonable and necessary albeit with slight revision to the wording of the suggested condition as set out in my decision, above.
17. The suggested condition regarding foundation details lacks precision, clarity and an 'implementation clause' for the required works and details. However, I have attached, with amendments, a condition to ensure compliance with the submitted AIA and the mitigation measures set out therein. As this sets out the arrangement for foundation construction within its mitigation measures and details, I am satisfied that in so doing, neither the Council nor the appellant would be disadvantaged. The condition is necessary and reasonable in order to ensure the appropriate protection of trees in the vicinity of the proposed outbuilding.

Conclusion

18. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

G Robbie

INSPECTOR



Appeal Decision

Site visit made on 4 January 2022

by **J Symmons, BSc (Hons) CEng MICE**

an Inspector appointed by the Secretary of State

Decision date: 19th January 2022

Appeal Ref: APP/H4505/D/21/3286186

14 Burnop Terrace, High Spen, Rowlands Gill NE39 2AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Pauline Bell against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref DC/21/00734/HHA, dated 6 June 2021, was refused by notice dated 14 September 2021.
 - The development proposed is the construction of a first-floor extension above an existing single storey offshoot to the south elevation of the property. The proposed extension would be finished in timber cladding with a slate roof containing a section of glazing and would provide a sunroom and bathroom.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the neighbours at 12 Burnop Terrace in terms of light, outlook and privacy.

Reasons

Character and Appearance

3. Burnop Terrace and Wood Terrace consist of two relatively short rows of two-storey terraced properties. The properties on Burnop Terrace are typically of brick construction while Wood Terrace properties are mainly stone with some brick extensions. Both have pitched slate roofs with central ridge. To the rear of these two terraces, there is an access lane and to each side of this, between it and the properties, there is a mix of yards and single storey extensions. The extensions are constructed in similar materials to the host properties and have a variety of forms and roof types, including flat, pitched and mono-pitched. Notwithstanding the number and range of extensions, their single storey height allows for the relatively compact yards to remain fairly open. Two storey extensions are not a feature along the two terraces.
4. The appeal property has a single storey rear extension and the proposal would add an approximately 4.1m long timber clad first floor sunroom and bathroom with pitched slate roof. The pitched roof would also contain a large bespoke

- rooflight over the sunroom. The rooflight cill level would be approximately 1.7m high above the finished floor level.
5. Even using high quality materials in keeping with the area, the first-floor extension would diminish the openness of the area between the two terraces and be visually intrusive. As the only first-floor extension within the two terraces, it would be noticeable and incongruous with its surroundings. This would result in a significant change to the character and appearance of the area.
 6. The National Planning Policy Framework, Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (Core Strategy) and Making Spaces for Growing Places 2021 (MSGP) confirm that great importance should be attached to the design of the built environment. As part of this innovation or change should not be stifled. However, these documents also indicate that it is proper for proposals to respect, promote or reinforce local distinctiveness. Indeed, there are many examples where old and new sit comfortably side-by-side and have been permitted on a site-specific basis. The appellant refers to No 16's wraparound extension with triangular rooflight detail as an example of this. However, No 16's extension retains the general single storey character of the area while the proposal does not.
 7. To support the above policies, the Council have published a Household Alterations and Extensions Supplementary Planning Document (2011) (SPD) which provides, amongst other matters, a design guide for extensions. Although the proposal is for the addition of a first-floor extension, the resulting building would be two-storeys in height and as such the guidance is relevant. There are no site-specific circumstances that demonstrate that the proposal is justified and as such the proposal would not comply with Section 10 of the SPD.
 8. In conclusion, the proposal would unacceptably harm the character and appearance of the area. This would be contrary to Policy CS15 of the Core Strategy and Policy MSGP24 of the MSGP which, amongst other matters, seek to ensure compatibility with local character and distinctiveness.

Living Conditions

9. The Council have raised concerns about the effect of the proposal on the first-floor window of the adjoining property at 12 Burnop Terrace, in terms of light, outlook, land privacy.
10. Section 10 of the SPD advises that rear extensions should not dominate neighbouring properties or significantly alter a neighbour's existing level of sunlight, daylight or privacy and where this would occur then it should not be permitted.
11. The proposal would be very close to No 12's window and it would significantly reduce the outlook on one side to a largely blank wall and roof view. It would also reduce the light to the window, as shown on the appellant's sun path analysis. The raised cill level of the rooflight would limit views in and out of the extension and reduce some of the privacy concerns raised. Furthermore, the appellant has offered the use of obscured glazing as further mitigation and although this would assist in removing the risk to privacy, it would not address my concerns about light and outlook.

12. While the effect on living conditions of most neighbouring properties would not be unacceptably affected by the proposal and no neighbour objections have been received, this does not overcome my concerns.
13. Even though I have not found significant harm in relation to privacy, I conclude that there would be significant harm to the living conditions of the neighbours at 12 Burnop Terrace, in terms of light and outlook. This would be contrary to Policy CS14 of the Core Strategy and MSGP17 of the MSGP which, amongst other matters, seek to prevent negative impacts on residential amenity, such as outlook, overshadowing and privacy.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR

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Appeal Decision

Site visit made on 27 January 2022

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 January 2022

Appeal Ref: APP/H4505/D/21/3287199

227 Prince Consort Road, Gateshead NE8 4DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Roth against the decision of Gateshead Council.
 - The application Ref DC/21/00992/HHA, dated 22 July 2021, was refused by notice dated 17 September 2021.
 - The development proposed is a first floor bedroom above existing ground floor extension (resubmission).
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of No 225 Prince Consort Road in respect of outlook.

Reasons

Character and appearance

3. The appeal property is a brick built mid-terraced house. It is proposed to erect a flat roof first floor extension over an existing single storey extension projecting about 3 metres from the main rear elevation of the house and at a width of 2.7 metres. The flat roof would be at a height just below the eaves of the two storey rear outrigger of the appeal property.
4. While the extension would be to the rear, it would nonetheless be noticeable from the back street. While there are some exceptions in the wider area, the subject terrace includes properties with mainly two storey rear outriggers and then single storey extensions. In fact, and as outlined by the appellant, *'the proposed rear first floor extension would be the first development of its kind at the rear of the Prince Consort Road terrace of dwellings'*. The existing pattern of development to the rear of the terraced dwellings gives the locality a pleasing design uniformity when viewed from the back street. Indeed, it provides a rhythm and regularity of open gaps between each of the terraced properties.
5. In the context of the above, the proposed development would seek to erode the aforementioned distinctive and positive characteristics of the terrace of dwellings when appreciated from the back street. Owing to its height and

position, it would unacceptably interrupt the uniformity of design and open gaps between buildings and hence would appear incongruous in the street-scene. Furthermore, the flat roof would sit awkwardly when seen against the pitched roofs of the two storey outriggers thereby failing to assimilate well to the rear of the host property and within the terrace as a whole.

6. For the above reasons, I conclude that the proposal would cause harm to the character and appearance of the area and would constitute poor design. Therefore, it would not accord with the design, character and appearance requirements of policies CS15 and MSGP24 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2015 (LP), the Council's Householder Alterations and Extension SPD (SPD) and chapter 12 of the National Planning Policy Framework 2021 (the Framework).

Living conditions

7. No 225 Prince Consort Road is to the north of the appeal property. The single storey extension and two storey outrigger of No 227 Prince Consort Road is already apparent when viewed from this neighbouring property and has some limited enclosing impact.
8. Owing to the height and projection of the proposed first floor extension, it would, in combination with existing development, have a materially dominating and enclosing impact when viewed from windows to the rear elevation (i.e. a dining room) and outrigger (i.e. kitchen) of the neighbouring building and its outside amenity space. Consequently, the development would lead to a material loss of outlook for the occupiers of No 225 Prince Consort Road.
9. For the above reasons, I therefore conclude that the proposal would not accord with the amenity requirements of policy MSGP17 of the LP, the SPD and paragraph 130(f) of the Framework. Reference is made in the Council's refusal notice to policy CS14 of the LP, but this is not directly relevant to this main issue as it does not relate to outlook.

Other Matters

10. The appellant has commented that if the proposed first-floor extension was built on top of an 'original' single storey addition, it would be permitted development. However, the evidence is that the single storey addition to the dwelling is not original and planning permission is required for the appeal development. I have not been made aware of any permitted development fall-back positions that would alter my conclusions on the main issues.
11. I acknowledge that this is a re-submission of an earlier refused application and that the appellant has reduced the projection of the extension from 3.5 metres to 3 metres. While the appeal proposal would be less harmful than the earlier scheme, it is still unacceptable in planning terms for the reasons outlined above.
12. While I do not disagree with the Council that the proposal would not cause significant harm to levels of light and privacy for the occupiers of No 225 Prince Consort Road, it does not follow that this automatically means that outlook would be acceptable. The latter is a matter of planning judgment.
13. I do not doubt that the appellant requires additional space, but this has to be balanced against the identified harm that would be caused to the character and

appearance of the area and the living conditions of the occupiers of No 225 Prince Consort Road.

14. None of the other matters raised alter or outweigh my conclusions on the main issues.

Conclusion

15. For the reasons given above, I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

D Hartley

INSPECTOR

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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

16 February 2022

TITLE OF REPORT: Planning Obligations

REPORT OF: Anneliese Hutchinson, Service Director, Development,
Transport and Public Protection

Purpose of the Report

1. To advise the Committee of the completion of Planning Obligations which have previously been authorised.

Background

2. To comply with the report of the District Auditor "Probity in Planning" it was agreed that a progress report should be put before the Committee to enable the provision of planning obligations to be monitored more closely.
3. Since the last Committee there have been **no** new planning obligations.
4. Since the last Committee there have been **no** new payments received in respect of planning obligations.
5. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2 on the Planning Obligations report on the online papers for Planning and Development Committee for 16 February 2022 2022.

Recommendations

6. It is recommended that the Committee note the report.

Contact: Emma Lucas Ext: 3747

1. FINANCIAL IMPLICATIONS

Some Section 106 Agreements require a financial payment when a certain trigger is reached and there is a duty on the Council to utilise the financial payments for the purposes stated and within the timescale stated in the agreement.

2. RISK MANAGEMENT IMPLICATIONS

Nil

3. HUMAN RESOURCES IMPLICATIONS

Nil

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil

6. SUSTAINABILITY IMPLICATIONS

Nil

7. HUMAN RIGHTS IMPLICATIONS

Nil

8. WARD IMPLICATIONS

Monitoring: Various wards

9. BACKGROUND INFORMATION

The completed Planning Obligations