

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 **six** new appeals lodged since the last committee:

DC/19/00001/FUL - Land Adj Meynell House, Dipwood Road, Rowlands Gill
Demolition of existing detached garage and shed buildings followed by erection of 5-bedroom detached house in garden of dwellinghouse with new vehicular and pedestrian access.

This application was a committee decision refused on 4 April 2019

DC/19/00048/FUL - 98-104 William Hill Organisation Ltd, High Street, Felling
Erection of second floor extension and mansard roof to accommodate six additional rooms, relocation of existing rooftop air conditioning units, new external access including entrance door and canopy (amended 25/04/19).

This application was a delegated decision refused on 8 May 2019

DC/19/00322/COU - 160 Brighton Road, Gateshead

Partial change of use from dwelling (Use class C3) to retail on ground floor, new shop front, managers flat on first floor and two storey rear extension

This application was a delegated decision refused on 11 July 2019

DC/19/00634/OUT - Former Monkridge Gardens Residents Association

And Lands At 21 And 23 And Land South Of 9-23 Monkridge Gardens

Outline planning permission with all matters reserved for the clearance, lowering and levelling of site and the erection of up to 10 dwellinghouses, with new shared-surface, new vehicular and pedestrian access, demolition of 23 Monkridge Gardens and formation of new blank supporting gable wall to 25 Monkridge Gardens.

This application was a committee decision refused on 4 September 2019

DC/19/00686/FUL - 1-5 Reay Street, Felling

Erection of two dormer bungalows and extension to No. 5 Reay Street

This application was a committee decision refused on 7 August 2019

DC/19/00750/COU - 15 Glendale Avenue, Whickham

Change of use of land between 15 and 17 Glendale Avenue from grassed area to private garden and erection of fence (amended 16.08.2019)

This application was a delegated decision refused on 20 September 2019

Appeal Decisions

3. There has been **one** new appeal decision received since the last Committee:

DC/19/00150/COU - Storage Land, Forge Road, Gateshead

Proposed change of use from amenity land to car wash, erection of canopy, portakabins, screen fencing and underground oil interceptor tank (amended 15/04/17).

This application was a committee decision refused on 26 April 2019

Appeal dismissed 24 October 2019

Details of the decision can be found in **Appendix 2**.

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



Appeal Decision

Site visit made on 23 September 2019

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2019

Appeal Ref: APP/H4505/W/19/3227523

Storage Land, Forge Road, Gateshead NE8 2QU

- 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 S. Arif on behalf of 5 Star Car Wash against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref DC/19/00150/COU dated 22 February 2019, was refused by notice dated 26 April 2019.
 - The development proposed is the change of use from amenity land to car wash, erection of canopy, portacabins, screen fencing and underground oil interceptor tank.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have amended the description of the proposed development from that given on the planning application to provide a more complete picture of what is planned.

Main Issues

3. The two main issues relevant to this appeal are the effect of the scheme on:
 - the character and appearance of the area; and
 - the working conditions of staff at the adjacent Jennings Harley-Davidson showroom.

Reasons

Character and Appearance

4. The appeal site known as the 'storage land' is a relatively narrow strip of overgrown land measuring 0.06 hectares located around 20 metres southwest off a roundabout forming the intersection of the A1114 Derwentwater Road, Forge Road, Ellison Road and the A1114 Clockmill Road on the edge of Dunston, Gateshead. Adjacent to the site is the Jennings Harley-Davidson showroom. I understand from the appellant's statement that the storage land was previously developed 30 or more years ago. It is not allocated for development within the development plan.

5. Overall, the locality within the vicinity of the roundabout is one of mixed uses although there is no doubting that those linked to the auto-industry are dominant. The area also includes many trees, in particular along the former railway embankment to the south of the site, and other elements of soft landscaping. I would say that the appeal site, by virtue of its landscaped quality, contributes very positively to the character and appearance of the area.
6. The proposed development is for the establishment of a car wash. It comprises two portacabins and spaces for two staff vehicles on the southwestern side of the site, a canopy large enough to accommodate around 6 cars for washing in the centre of the site and parking for 3 client cars at the northeastern side of the site. Access and egress would be via two separate entrances onto Forge Road. The site would be secured by a steel palisade fence complete with screening.
7. Because of its location just a few metres from the roundabout the site is clearly visible to drivers and passengers entering Dunston from the A1114 Derwentwater Road. The adjacent Jennings Harley-Davidson dealership occupies a highly attractive dark coloured building constructed of glass, brick and steel set back from Ellison Road against the backdrop of a heavily wooded former railway embankment along which now runs the Teams Cycleway. Just beyond this embankment, further along Forge Road in the direction of the A1 Newcastle Western Bypass, is the entrance to a small new residential estate centred on Thornhill Close.
8. To the east of the site is a car dealership located just off the A1114 Derwentwater Road. Opposite this dealership is a residential care development called the Ropery Paramount Care ('the Ropery'). Sandwiched on a relatively narrow strip of land between Ellison Road and the A1114 Clockmill Road are two warehouse buildings (around the same size as the Jennings Harley-Davidson showroom) occupied by firms in auto-industry.
9. Notwithstanding the nature of some of the land uses, the entrance to Dunston from the east, taking one past the high sign displaying the iconic orange Harley-Davidson logo, is certainly very striking and, due to the high quality of the Jennings' premises, rather attractive.
10. I acknowledge that an area of waist-high hedging between the site and the roundabout would provide partial screening of the proposed carwash. Nevertheless, I find that what is currently an attractive verdant area of land would be replaced by an expanse of tarmac accommodating a canopy, portacabins and parked cars which would all be evident to one degree or another.
11. Consequently, I do not believe that the proposed carwash would contribute towards good place making or respond positively to local distinctiveness and character as required by Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle-upon-Tyne 2010-2030 (2015) (CS). For the same reason, I find that the proposal would be inconsistent with Policy ENV3 of the Unitary Development Plan (UDP) which also requires new development to make a positive contribution to the established character and identity of the locality. For these reasons I conclude that the proposed development would seriously harm the character and appearance of the area.

Working Conditions

12. Despite being located just off a roundabout the immediate area around the premises of the Jennings Harley-Davidson dealership struck me as being generally rather quiet. Inside the showroom, other than some gentle piped orchestral music, all that could be heard was the conversation between staff and customers. I noted that the offices within the showroom, where I assume important business is transacted, are located on the side adjacent to the appeal site. These offices would be separated from the car wash by around 1-1.5 metres.
13. The operation of the carwash will involve cars being driven on and off the forecourt together with the operation of jet washes and other apparatus. The appellant's noise report uses a similar facility in Newbiggin-by-the-Sea, Northumberland as a comparator to facilitate assessment of the likely impact of the scheme on its surroundings. However, as is noted at paragraph 5.15 of the Council planning officer's report, whilst the appellant has assessed the impact of the scheme on residents living in the Ropery some 100m or so from the appeal site it has failed to consider the impact on the working conditions of staff within the adjacent Jennings Harley-Davidson showroom.
14. Helpfully, however, the report does include a noise contour map in the appendix ('Figure 1: Daytime LAeq, 1hr (4m receptor height)'). This shows that the daytime noise levels along a section of the exterior of the Jennings Harley-Davidson showroom will be 65-70db. Existing average noise levels as measured at a point within a few metres of the Jennings showroom, expressed through the LA90 reading, are 50db (paragraph 3.3.2 of the appellant's noise report).
15. I am sure that the showroom's walls and windows will provide reasonably effective mitigation against the noise associated with the operation of the carwash. However, I note from the planning officer's report that the staff will have to open the windows in warm weather for ventilation. Thus, in such conditions the increase in noise levels would be greater than 10db which is inconsistent with what is permitted under UDP Policy ENV61. I do not accept, however, that the proposal would be contrary to CS Policy CS14 which aims to protect the environments of elderly people. Nevertheless, this notwithstanding, I conclude that the proposed carwash would cause unacceptable harm to the working conditions of the Jennings Harley-Davidson staff.

Other Matters

16. The appellant referred me to another hand carwash business within 0.5 miles of the site as an example of how such a facility can be satisfactorily accommodated within an urban area. I was not directed to its location and therefore did not visit it. Nevertheless, all applications and appeals are determined on their own merits according to the circumstances and relevant policies prevailing at the time. Consequently, other schemes do not set precedents binding upon the determination of the current appeal.

Conclusions

17. With the above points in mind and having had regard to all of the documents submitted to me I conclude that this planning appeal be dismissed.

William Walton

INSPECTOR

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/18/00290/HHA	59A Derwent Water Drive Blaydon On Tyne NE21 4FJ	Creating a driveway for vehicular access, off road parking.	Written	Appeal in Progress
DC/18/00807/FUL	Team Valley Retail World Gateshead	Erection of food and drink unit (Use Class A3/A5) (additional information received 20/08/18).	Written	Appeal in Progress
DC/19/00001/FUL	Land Adj Meynell House Dipwood Road Rowlands Gill NE39 1DA	Demolition of existing detached garage and shed buildings followed by erection of 5-bedroom detached house in garden of dwellinghouse with new vehicular and pedestrian access.	Written	Appeal in Progress
DC/19/00048/FUL	98-104 William Hill Organisation Ltd High Street Felling	Erection of second floor extension and mansard roof to accommodate six additional rooms, relocation of existing rooftop air conditioning units, new external access including entrance door and canopy (amended 25/04/19).	Written	Appeal in Progress
DC/19/00150/COU	Storage Land Forge Road Gateshead	Proposed change of use from amenity land to car wash, erection of canopy, portakabins, screen fencing and underground oil interceptor tank (amended 15/04/17).	Written	Appeal Dismissed
DC/19/00322/COU	160 Brighton	Partial change of use	Written	Appeal in

	Road Gateshead NE8 1QA	from dwelling (Use class C3) to retail on ground floor, new shop front, managers flat on first floor and two storey rear extension		Progress
DC/19/00634/OUT	Former Monkridge Gardens Residents Association And Lands At 21 And 23 And Land South Of 9-23 Monkridge Gardens	Outline planning permission with all matters reserved for the clearance, lowering and levelling of site and the erection of up to 10 dwellinghouses, with new shared-surface, new vehicular and pedestrian access, demolition of 23 Monkridge Gardens and formation of new blank supporting gable wall to 25 Monkridge Gardens.	Written	Appeal in Progress
DC/19/00686/FUL	1-5 Reay Street Felling	Erection of two dormer bungalows and extension to No. 5 Reay Street	Written	Appeal in Progress
DC/19/00750/COU	15 Glendale Avenue Whickham NE16 5JA	Change of use of land between 15 and 17 Glendale Avenue from grassed area to private garden and erection of fence (amended 16.08.2019)	Written	Appeal in Progress