



## *PLANNING AND DEVELOPMENT COMMITTEE AGENDA*

**Wednesday, 6 October 2021 at 6.00 pm in the Council Chamber**

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From the Chief Executive, Sheena Ramsey

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Item	Business
<b>1</b>	<b>Apologies for Absence</b>
<b>2</b>	<b>Minutes</b>  The Committee is asked to approve as a correct record the minutes of the meeting held on 8 September 2021 (copy previously circulated).
<b>3</b>	<b>Declarations of Interest</b>  Members to declare interests in any agenda items
<b>4</b>	<b>Planning Applications</b> (Pages 3 - 6)  Report of the Strategic Director, Communities and Environment
4i	<b>No. 1 - Land Adjacent 1 Cypress Road, Eighton Banks, Gateshead NE9 7XE (Pages 7 - 18)</b>
4ii	<b>No. 2 - Lands at and to the rear: 21 &amp; 23 Monkridge Gardens with disused pavillon &amp; hardstanding off Monkridge Gardens, Dunston Hill NE11 9XE (Pages 19 - 34)</b>
4iii	<b>No. 3 - Eighton Lodge, Low Eighton, Harlow Green Gateshead NE9 7UB (Pages 35 - 40)</b>
4iv	<b>No. 4 - Land at the junction of Ashtree Lane &amp; Hookergate Lane, High Spen, Rowlands Gill NE39 2BE (Pages 41 - 48)</b>
4v	<b>No. 5 - 31 Foxhills Covert, Fellside Park, Whickham NE16 5TN (Pages 49 - 52)</b>
<b>6</b>	<b>First Homes Briefing</b> (Pages 53 - 58)  Report of the Strategic Director, Communities and Environment

- 7     **Enforcement Team Activity** (Pages 59 - 60)  
Report of the Strategic Director, Communities and Environment
- 8     **Enforcement Action** (Pages 61 - 66)  
Report of the Strategic Director, Communities and Environment
- 9     **Planning Appeals** (Pages 67 - 78)  
Report of the Strategic Director, Communities and Environment
- 10    **Planning Obligations** (Pages 79 - 80)  
Report of the Strategic Director, Communities and Environment



PLANNING AND DEVELOPMENT  
COMMITTEE  
**6 October 2021**

**TITLE OF REPORT:** Planning applications for consideration

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

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### **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.

## Contents

<b>Application Number</b>	<b>Site Location</b>	<b>Ward</b>
1. DC/21/00133/FUL	Land Adjacent 1 Cypress Road Eighton Banks	Lamesley
2. DC/21/00732/FUL	Lands At & To The Rear: 21 & 23 Monkridge Gardens With Disused Pavilion & Hardstanding Off Monkridge Gardens	Dunston Hill And Whickham East
3. DC/21/00752/ADV	Eighton Lodge Low Eighton	Lamesley
4. DC/21/00869/TDP A	Land At The Junction Of Ashtree Lane And Hookergate Lane High Spen	Winlaton And High Spen
5. DC/21/00952/HHA	31 Foxhills Covert Fellside Park	Whickham South And Sunniside

## **DEVELOPMENT PLAN**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 specifies that: 'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The NPPF was published in 2019 by Ministry of Housing, Communities and Local Government (MHCLG) and is a material consideration in planning decisions. The NPPF is supported by Planning Practice Guidance (PPG), which provides further detail on how some policies of the NPPF should be applied.

## **LOCAL PLAN**

In 2015 Gateshead Council and Newcastle City Council adopted Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030 (CSUCP). This Development Plan Document (DPD) sets area-wide planning policies for Gateshead and Newcastle (including policies setting out the amount and broad distribution of new development) and provides more detailed policies for the Urban Core of Gateshead and Newcastle.

We have carried out a Review of the CSUCP and concluded that it remains up-to-date in that it continues to be in general conformity with the provisions of the NPPF and helps to deliver the key priorities and aims of both.

The Council adopted Making Spaces for Growing Places (MSGP) on 1<sup>st</sup> February 2021, and this part of the Local Plan complements the CSUCP by setting out non-strategic allocations, designations and development management policies for Gateshead.

In accordance with the Planning and Compulsory Purchase Act 2004 (as amended) the CSUCP and MSGP form part of the statutory development plan for Gateshead. The CSUCP and MSGP between them supersede and delete all of the saved policies remaining from the Unitary Development Plan (UDP). Lists of the respective deleted UDP policies are provided in Appendix 1 of the CSUCP and Appendix 19 of MSGP.

In the report for each application, specific reference will be made to those policies and proposals which are particularly relevant to the application site and proposed development.

The Council has published Supplementary Planning Documents to indicate the preferred approach to some types of development, and give greater detail on how some policies will be considered and applied. These continue to be revised and updated where appropriate.

## **UPDATES**

The agenda is formed and printed approximately a week prior to the Planning and Development Committee meeting. Information, correspondence and representations can sometimes be received in the intervening period. In such cases a written update report will be circulated to Members the day prior to the meeting and on occasion there may be further verbal updates to Members from officers, so that Members are aware of all material planning considerations when making their decision on applications.

## **SPEAKING AT COMMITTEE**

Gateshead Council seeks to be inclusive in its decision making process and therefore allows applicants, agents and interested parties to make verbal representation to Members at Committee in accordance with the Council's agreed speaking rights protocol; amongst other procedural requirements, a person must have submitted a request to speak in writing at least a week in advance of the meeting, and subsequently confirmed their intention to speak.

For further details of speaking rights at committee contact the Development Management Team on (0191) 433 3150 or please view the leaflet 'Having Your Say' available from Development Management.

## **SITE PLANS**

The site location plans included in each report are for illustrative purposes only. Scale plans are available to view on the application file or via Public Access.

## **PUBLICITY/CONSULTATIONS**

The reports identify the responses to site notices, press notices, consultations and/or neighbour notifications which have been undertaken. The reports include a précis of the comments received, full copies of letters are available to view on the application file. In all cases the consultations and publicity have been carried out in accordance with the appropriate procedure(s).

## **SITE VISITS**

On occasion the Committee will defer making a decision until they have viewed the application site themselves as a group. The visits are fact finding visits only and no debate or decision making will take place on the visit and no representations will be heard at these visits and therefore the Local Planning Authority will not invite applicants or third parties to attend unless for the sole purpose of arranging access to land and or/ buildings.

## **LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION (AS AMENDED)**

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These papers are held on the relevant application file and are available for inspection during normal office hours at the Communities and Environment reception, Civic Centre, Regent Street, Gateshead NE8 1HH.

**Committee Report**

<b>Application No:</b>	<b>DC/21/00133/FUL</b>
<b>Case Officer</b>	<b>Amy Dunbar</b>
<b>Date Application Valid</b>	<b>10 February 2021</b>
<b>Applicant</b>	<b>Mr Jordison</b>
<b>Site:</b>	<b>Land Adjacent 1 Cypress Road Eighton Banks Gateshead NE9 7XE</b>
<b>Ward:</b>	<b>Lamesley</b>
<b>Proposal:</b>	<b>Erection of one 3-bedroom dwelling (amended plans received and description amended 16.07.2021, amended plans received 08.09.2021).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF SITE**

The application site concerns the side garden currently associated with No.1 Cypress Road. The garden features small areas of maintained grassland and hardstanding and a timber shed.

1.2 The site is located immediately adjacent to the road junction leading from Galloping Green Road to Cypress Road. To the south is No.1 Cypress Road which is a residential dwelling. To the west are dwellings on Rosemary Gardens and to the east lies Galloping Green Road with open fields beyond this.

1.3 The application site is not allocated for any particular purpose and lies in a Coal Authority Low Risk Area.

**1.4 DESCRIPTION OF APPLICATION**

The application seeks to construct one two-storey, 3-bedroom dwelling with the provision of one onsite parking space. In addition, a new onsite site parking space for No.1 Cypress Road is also proposed.

1.5 The proposed dwelling would be of a contemporary design built using red/brown brick and featuring a partial render finish, concrete roof tiles and uPVC windows and doors.

**1.6 PLANNING HISTORY**

No relevant planning history.

**2.0 Consultation Responses**



NPPF National Planning Policy Framework  
NPPG National Planning Practice Guidance  
CS9 Existing Communities  
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  
MSGP12 Housing Space Standards  
MSGP15 Transport Aspects of Design of Dev  
MSGP17 Residential Amenity  
MSGP20 Land Contamination/Stability  
MSGP24 Design Quality  
MSGP36 Woodland, Trees and Hedgerows  
MSGP37 Biodiversity and Geodiversity  
MSGP48 Waste Management Facilities - New Dev

## **5.0 Assessment of the Proposal:**

- 5.1 The key considerations to be taken into account when considering this planning application are the principle of the development, visual amenity, residential amenity, highway safety, ecology, and land conditions.
- 5.2 **PRINCIPLE OF DEVELOPMENT- HOUSING DEMAND AND POLICY**  
The application site is not allocated for housing and is therefore classed as a windfall housing site. The site is located within an established residential area where there are recreational and community facilities, such as urban green space and a church, situated nearby. Although the site has a rural feel it is close to public amenities i.e., it is approximately a 10-minute walk away from Wrekenton District Retail Centre where a range of shops and services are provided. The Team Valley Industrial Estate, which is a primary employment area, can be reached in less than 20 minutes by car. In housing policy terms,

the site is considered to be in principle, an appropriate location for a new dwelling.

- 5.3 The proposal would afford a new dwelling to the local housing stock and would therefore contribute towards delivering new housing within Gateshead in accordance with policy CS10 of the Local Plan for Gateshead.
- 5.4 **HOUSING CHOICE**  
Policy CS11 specifies that 60% of new private housing across the plan area should be suitable for and attractive to families with a minimum target of 16,000 new homes to have 3 or more bedrooms. Furthermore, Policy CS9 seeks to ensure that existing communities will be sustainable places of quality and choice. This should be achieved by, amongst other things, maintaining a range of housing types and sizes throughout the plan area.
- 5.5 The proposed development would provide a reasonably sized family home with three bedrooms and outdoor space in an established residential area which accords with policy CS9 and CS11 of the Local Plan for Gateshead.
- 5.6 **RESIDENTIAL SPACE STANDARDS**  
Policy CS11(4) requires that new residential development provides adequate space inside and outside of the home to meet the needs of residents.
- 5.7 Policy MSGP12 requires new residential development to, at minimum, achieve the Nationally Described Space Standards (NDSS) in order to ensure adequate space is provided inside the home and therefore ensuring new homes are of a high standard and quality. However, the supporting text to MSGP12 (paragraph 5.8) explains that the requirement to comply with the NDSS is to be introduced one year after the adoption of the MSGP (1<sup>st</sup> February 2021), to allow for a period of transition in accordance with national guidance.
- 5.8 As indicated on the proposed floor plans, the dwelling would provide three bedrooms. The minimum gross internal floor area for a 3-bedroom, 2 storey dwelling with a minimum provision of 4 bed spaces is 84m<sup>2</sup> including 2.5m<sup>2</sup> of built-in storage. The floor plans demonstrate that an internal floor area of 86.8m<sup>2</sup> would be achieved including 3.6m<sup>2</sup> of built-in storage. Some of the floor space in the loft bedroom would be used for storage only as it would provide a headroom of less than 1.5m. The proposed dwelling would exceed the minimum space requirements for gross internal floor area and built-in storage.
- 5.9 Additionally, the proposed floor plans demonstrate that bedrooms 1, 2 and 3 would exceed the minimum width and floor area requirements necessary for accommodating a double bedroom.
- 5.10 Overall, the proposed dwelling would comply with the technical requirements set out in the NDSS.
- 5.11 It is considered that the proposal presents a spacious, family-sized home that would provide an adequate amount of internal living space for future occupiers which would contribute towards providing a good standard of amenity and is

therefore in accordance with policies CS11 and MSGP12 of the Local Plan for Gateshead.

- 5.12 In terms of housing policy, the principle of the development is acceptable subject to all other material planning considerations being satisfied.
- 5.13 **IMPACT ON VISUAL AMENITY**  
The NPPF requires that, amongst other things, new development is sympathetic to local character and is visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 5.14 The development would be a brick-built dwelling incorporating materials to match those used to construct the surrounding residential properties. The development would also incorporate a mix of hard and soft landscaping to provide a sufficient level of garden space as well as a permeable driveway surface.
- 5.15 In terms of landscaping, the development would feature areas of grassed garden space and some permeable hardstanding to support the driveway and space for storing bins. An existing tree and hedgerow would also be removed. Although this would remove the 'leafy' character of this garden, the tree is not protected by a Tree Preservation Order nor does the hedgerow benefit from protection as its only purpose is to mark the boundary of a private garden. Given this, it would not be reasonable to request that a replacement hedgerow or tree is provided on site. The addition of grassed garden space would contribute towards softening the appearance of the plot therefore a condition has been attached to ensure the soft landscaping scheme proposed on the site layout plan is implemented to protect the visual amenity of the site (condition 4).
- 5.16 With regard to boundary treatment, limited details have been submitted therefore it is considered necessary to condition that a detailed scheme for boundary treatment is submitted to ensure the visual amenity of the site is protected (condition 5).
- 5.17 Consideration has been given to the design of surrounding properties including properties along Cypress Road which feature a prominent front facing gable elevation with a steep roof pitch. The proposed dwelling is not intended to be an exact copy of these properties as it would be a slightly larger detached dwelling, however it does incorporate complementary design features such as the front facing dormer windows which feature steep pitched roof slopes. To ensure the proposed materials would be in keeping with the character of the surrounding area, a condition has been attached relating to the proposed materials (condition 3).
- 5.18 The contemporary design of the development in terms of its layout, form and materials would ensure a good architectural design, therefore it is considered that the development would not have a harmful impact on the character and appearance of the wider street scene in accordance with policies CS15 and MSGP24 of the Local Plan for Gateshead.

#### 5.19 RESIDENTIAL AMENITY

Paragraph 127 of the NPPF requires that planning policies and decisions should ensure that development will achieve a high standard of amenity for existing and future users. This is reflected in local policy CS14 of the CSUCP which requires that the wellbeing and health of communities will be maintained and improved by preventing negative impacts on residential amenity.

5.20 Policy MSGP17 recognises amongst other things, that existing residential areas are vulnerable to amenity issues where building density is increased as a result of the sub-division of curtilages to create new building plots particularly as a result of a loss of privacy and reasonable levels of outlook.

5.21 The proposed dwelling would be situated within 1.2 metres of the side elevation of 1 Cypress Road which features two doors and a non-habitable room window. Furthermore, the proposed side elevation of the new dwelling does not feature any windows or doors. Given this arrangement there would be no scope for overlooking of either property.

5.22 The proposed dwelling has been designed so that it would match the height of existing dwellings along Cypress Road, furthermore the building line of the proposed dwelling would match that of the west elevation of 1 Cypress Road however would project beyond the east elevation of this dwelling by 1 metre. Given the movement of the sun throughout the day in relation to the position of No.1, it is not anticipated that the size and scale of the dwelling would result in a loss of daylight entering habitable room windows or have an overbearing impact on the existing adjacent property.

5.23 Overall, it is considered that the position, size, and scale of the proposed dwelling in relation to 1 Cypress Road would not result in harm to the amenity of residents occupying this property.

5.24 To ensure that acceptable levels of privacy are achieved, The Council's Household Extensions and Alterations Supplementary Planning Document requires that a minimum distance of 21 metres is maintained between main facing elevations containing habitable room windows.

5.25 The nearest main facing elevation is that of 4 Rosemary Gardens which is 22 metres away from the west elevation of the proposed dwelling. Given this separation distance, it is not considered that the development would result in an unacceptable level of overlooking of nearby residential properties.

5.26 The site is located within a residential setting therefore there is likely to be an increase in noise disturbance to nearby residents during the construction phase. Should planning permission be granted it would be necessary to condition the hours of construction (condition 7).

5.27 It is considered that the proposed development would provide an acceptable standard of amenity for neighbouring and proposed occupiers, having regard to light, outlook and privacy. Therefore, it is considered that the proposal is in

accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

5.28 TRANSPORT AND HIGHWAY SAFETY

The application proposes that one off-street parking space would be provided to serve the proposed dwelling whilst a new off-street parking space would be provided for 1 Cypress Road off Galloping Green Road. This satisfies the minimum parking provision for new residential development and compensates for the loss of the existing parking provision at 1 Cypress Road.

5.29 The parking provision for the proposed dwelling would make use of an existing vehicle access situated on a road bend adjacent to a road junction. It is accepted that this existing parking space is not situated in a desirable position however the application proposes to improve this existing arrangement through optimising visibility either side of the access by removing the hedgerow and reducing any boundary treatment to 1 metre in height. Highways Officers are satisfied that these alterations would create a safer vehicle access to the site.

5.30 With regard to the new vehicle access off Galloping Green Road, Highways Officers have assessed this arrangement and are of the view that a satisfactory level of visibility would be provided to drivers and pedestrians and a new crossing at this location would not create a highway safety concern.

5.31 To ensure that pedestrian and driver visibility is provided, a condition has been attached which requires that no structure or erection over 1 metre in height is constructed within the visibility splays serving both vehicle accesses demonstrated on the submitted layout plan (condition 8).

5.32 Representations have been submitted raising concerns regarding traffic congestion, an increase in demand for street parking around the application site and pedestrian safety concerns as a result of the development. It is considered that the addition of one dwelling would not be significant enough to harm the safe operation of the surrounding highway network or result in a significant increase in the demand street parking given that provision has been made to secure onsite parking.

5.33 The proposed plans demonstrate that secure bike storage would be provided for the new dwelling and the existing dwelling. In order to encourage the use of sustainable transport, a condition has been attached to ensure that this storage is implemented on site (condition 9).

5.34 The proposal would not have any significant additional impact on highway capacity and safety and would provide onsite car parking to the levels set out in the Council's car parking standards. Subject to the provision of cycle parking, the application is in accordance with policies CS13 and MSGP15 of the Local Plan for Gateshead.

5.35 ECOLOGY

The application has been assessed by the Council's Ecologist and it had been determined that the ecological impact of this development would be negligible

as there are limited habitats and features within the site that have the potential to support statutorily protected and priority/notable species.

5.36 It is noted that a hedgerow is present around the boundary of the site therefore in the event that planning permission is granted, an informative regarding the protection of nesting birds should be attached to any grant of permission.

5.37 It is considered that the development would have no significant impact on biodiversity and would be in accordance with policies CS18 and MSGP37 of the Local Plan for Gateshead.

5.38 LAND CONDITIONS- CONTAMINATED LAND

The applicant proposes a sensitive end use of the site therefore a Preliminary Risk Assessment (PRA) has been submitted and the application site has been assessed and inspected as part of the Council's Contaminated Land Strategy.

5.39 The site has been identified as a garden/open space since the construction of the associated dwelling in circa 1920. Prior to this the site was used as agricultural land and has remained undeveloped since that time. Based on its historic use, it is unlikely that the site will be affected by ground contamination.

5.40 The Local Planning Authority is satisfied that no further site investigation works would be required prior to the commencement of the development. The proposal therefore complies with policy CS14 and MSGP20 of the Local Plan for Gateshead.

5.41 LAND STABILITY

The Coal Authority has identified that the site is not situated within a 'Development High Risk Area' therefore it is not anticipated that coal mining legacy issues would pose a risk to the proposed development. If permission were to be granted, it is not considered necessary to condition that a Coal Mining Risk Assessment is carried out at this site as the proposal is in accordance with policy MSGP20 of the Local Plan for Gateshead.

5.42 WASTE MANAGEMENT

It is considered that the plot is of ample size in which to store wheeled bins and the site has sufficient access to the existing road for emptying therefore the proposal is in accordance with policy MSGP48 of the Local Plan for Gateshead.

5.43 OTHER MATTERS

Objections have been put forward which concerns matters that are not considered material planning issues. These are:

-loss of property value

-loss of an open view

-health implications of development

-setting a poor precedent

These matters have not been considered as part of this assessment.

## **6.0 CONCLUSION**

6.1 Taking all of the relevant issues into account, it is considered that the proposed development is acceptable and accords with the relevant national and local planning policies.

## **7.0 Recommendation:**

That permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection be authorised to add, vary and amend the planning conditions as necessary.

1

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

NP/10170-100 Site Location Plan Revision A

NP10170 110 Revision E Proposed Plans and Elevations

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.

2

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.

3

Development shall not commence above damp-proof course level until details of all materials, colours and finishes to be used on all external surfaces have been submitted to and subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the

appearance of the existing building in accordance with the NPPF and Policies CS15 and MSGP24 of the Local Plan for Gateshead.

4

The landscaping scheme demonstrated in plan no. 'NP10170 110 Revision E Proposed Plans and Elevations' shall be implemented in accordance with the approved details within the first available planting season (October to March) and shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for a period of 5 years commencing on the date of Practical Completion and during this period any grass which fails to establish shall be re-established.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in accordance with the NPPF and Policies CS15 and MSGP24 the Local Plan for Gateshead.

5

Prior to the commencement of works to install/remove boundary treatment, a fully detailed scheme for the boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, position, design, dimensions and materials of the boundary treatment.

Reason

To ensure the satisfactory appearance of the development in the interests of the visual amenity of the area and in the interests of highway safety in accordance with the NPPF and Policies CS13, CS15, MSGP15 and MSGP24 of the Local Plan for Gateshead.

6

The boundary treatment approved under condition 5 shall be implemented in accordance with the approved details.

Reason

To ensure the satisfactory appearance of the development in the interests of the visual amenity of the area and in the interests of highway safety in accordance with the NPPF and Policies CS13, CS15, MSGP15 and MSGP24 of the Local Plan for Gateshead.

7

Unless otherwise approved in writing by the Local Planning Authority, all external works and ancillary operations in connection with the construction of the development, including deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF and Policies CS14 and MSGP17 of the Local Plan for Gateshead.

8

No structure or erections exceeding 1 metre in height shall be placed within the 2m x 2m visibility splays demonstrated on drawing number NP10170 110 Revision E (Proposed Plans and Elevations).

Reason

In the interests of highways safety in accordance with Policies CS13 and MSGP15 of the Local Plan for Gateshead.

9

Prior to the first occupation of the dwelling, secure and weatherproof cycle storage, capable of storing at least one bicycle, shall be provided on site and thereafter permanently retained.

Reason

In order to ensure adequate provision for cyclists and in compliance with Policies CS13 and MSGP15 of the Local Plan for Gateshead.

10

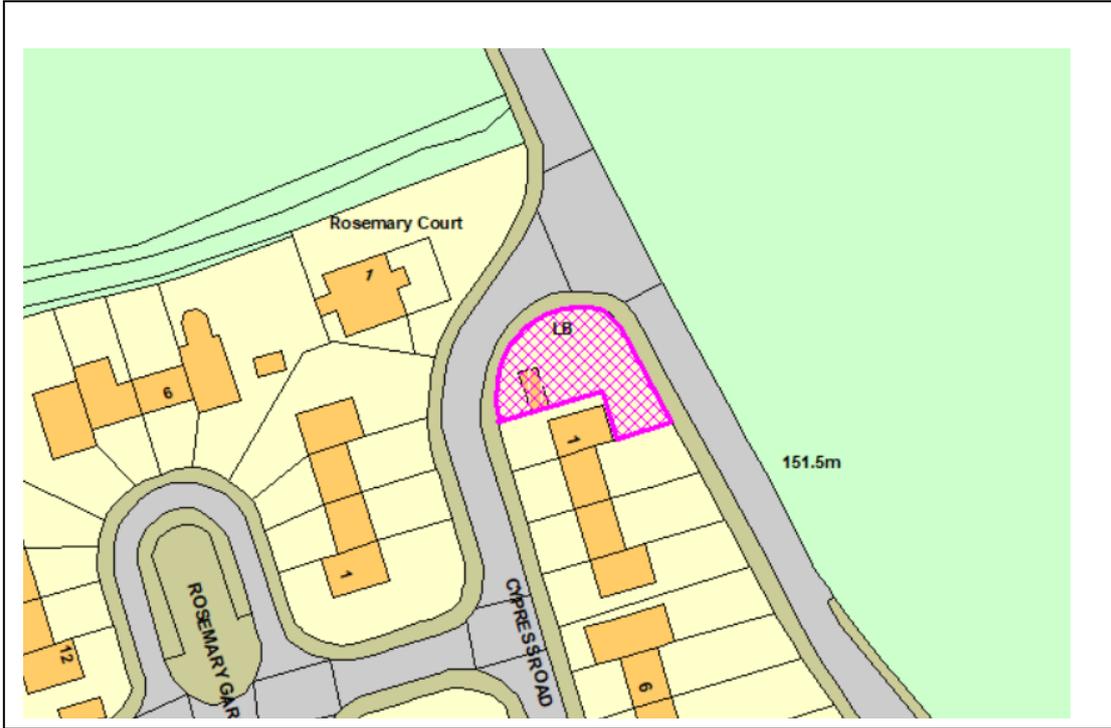
In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS14 and MSGP20 of the Local Plan for Gateshead.



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**Committee Report**

<b>Application No:</b>	<b>DC/21/00732/FUL</b>
<b>Case Officer</b>	<b>David Morton</b>
<b>Date Application Valid</b>	<b>7 June 2021</b>
<b>Applicant</b>	<b>Mr Anthony Lang</b>
<b>Site:</b>	<b>Lands At &amp; To The Rear: 21 &amp; 23 Monkridge Gardens With Disused Pavilion &amp; Hardstanding Off Monkridge Gardens Dunston Hill Gateshead Borough NE11 9XE</b>
<b>Ward:</b>	<b>Dunston Hill And Whickham East</b>
<b>Proposal:</b>	<b>Proposed deletion of Conditions 5 and 6 (to remove footpath provision); and proposed variation of Condition 1 (approved plan suite); and Conditions 3 &amp; 4 (materials); and Condition 9 (cycle storage); and Conditions 16 &amp; 17 (bird &amp; 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 &amp; 23 (both retained), visitor parking area and landscaped areas (as amended 08/03/21)." (Amended 25/08/21).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:****1.1 BACKGROUND**

The application follows three planning applications on the site, two refused outline applications (one of which was allowed on appeal) and a separate full planning application which was approved.

- 1.2 The first outline application, DC/17/01358/OUT, was refused by Planning Committee in March 2018 based upon the scheme's unacceptable design, the development's impact on residential amenity, it's impact on highway safety and the lack of information submitted regarding flood risk and drainage. The decision to refuse the application was appealed to the Planning Inspectorate and was subsequently dismissed in December 2018, with the Inspector concluding:

*"I have considered all matters that have been raised, but the benefits that would arise [as a result of the development] would not outweigh the harm to the living conditions of the occupiers of Nos 21 and 23 [Monkridge Gardens], and the risk of flooding. For these reasons, I conclude that the proposal conflicts with the development plan when*

*taken as a whole and there are no material considerations to outweigh this conflict. Therefore, the appeal should be dismissed."*

- 1.3 The second outline application, DC/19/00634/OUT, was refused in September 2019 following consideration by the Planning and Development Committee (overturning the officer recommendation). The application was refused based upon the development's "... *unacceptable visual impact on the application site and wider area...*" This decision was appealed to the Planning Inspectorate and was allowed, subject to conditions, with the Inspector concluding; "... *the overall visual effect would not cause any significantly adverse effects on the quality of the street scene*" and "... *the proposal would not cause harm to the character and appearance of the area.*"
- 1.4 The third application, seeking full planning permission (DC/20/01183/FUL), was granted in April 2021 following consideration by the Planning and Development Committee. The application sought permission for the erection of nine houses and associated works; the current application seeks amendments to this proposal though the removal and/or variation of planning conditions.
- 1.5 **DESCRIPTION OF THE SITE**

The majority of the application site is located to the rear of properties located on Monkridge Gardens (to the north) and Woodside Gardens (to the south). The application site also includes land currently within the curtilage of 21 and 23 Monkridge Gardens.
- 1.6 The majority of the application site is made up of hardstanding, consistent with the most recent use of the site as an area used as tennis/basketball courts and play-areas. Some structures associated with this use remain in situ however the use of the site by local residents has ceased; currently there is only pedestrian access to the east of the site off Monkridge Gardens.
- 1.7 **DESCRIPTION OF THE APPLICATION**

The application seeks amendment to approved application DC/20/01183/FUL. Application DC/20/01183/FUL sought full planning permission for the erection of nine dwellinghouses with associated accesses and works, the permission was approved and remains extant but has not yet been commenced.
- 1.8 Application DC/20/01183/FUL proposed that the houses located around a single shared surface, with the vehicular access being taken from Monkridge Gardens to the north of the site, by the creation of a shared vehicle and pedestrian access between 21 and 23 Monkridge Gardens. Further, the application proposes the retention of a narrow (2.5m wide) gated lane located between 9 and 11 Monkridge Gardens to allow access to the existing substation.
- 1.9 The proposed dwellings were proposed to be of a simple and modern design, two-storey in nature and would be constructed in brick, tile and render.

- 1.10 The current application seeks amendment to the approved scheme through the deletion of Conditions 5 and 6 (footpath provision), the variation of Condition 1 (approved plan), Conditions 3 and 4 (materials), Condition 9 (cycle storage) and Conditions 16 and 17 (bird & bat boxes).
- 1.11 The scheme would fundamentally remain the same as the original scheme i.e. it proposes the erection of nine houses around a single shared surface, with a vehicle pedestrian access between 21 and 23 Monkridge Gardens.
- 1.12 The following documents have been submitted by the applicant in support of the application:
- Planning Support, Design and Access Statement;
  - Drainage Report;
  - Coal Mining Risk Assessment;
  - Ecological Assessment & Bat Survey;
  - Contaminated Land Risk Assessment;
  - Noise Impact Assessment
  - Transport Statement

#### 1.13 PLANNING HISTORY

The planning history of the application site summarised as follows:

- DC/17/01358/OUT; Application refused for outline planning permission for 'Outline planning permission with all matters reserved for the clearance, lowering and levelling of site and the erection of up to 10 dwelling-houses, with new shared-surfaced vehicular and pedestrian access.' Date; 07/03/2018.

The application was refused based upon the scheme's design, the development's impact on residential amenity, it's impact on highway safety and the lack of information submitted regarding drainage. An appeal against the decision to refuse permission was subsequently dismissed by the Planning Inspectorate on 17 December 2018.

- DC/19/00634/OUT; Application refused for outlined planning permission for '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.' Date; 04 September 2019.

The application was refused based upon the scheme's impact on the streetscene. An appeal against the decision to refuse was subsequently allowed by the Planning Inspectorate on 28 April 2020.

- DC/20/01183/FUL; Full planning permission approved for 'erection of 9 dwellinghouses with front and back gardens and driveway parking; new shared-surface, vehicular & pedestrian access

between Numbers 21 & 23 (both retained), visitor parking area and landscaped areas (amended 08/03/21). Date; 09 April 2021.

## **2.0 Consultation Responses:**

Northumbria Water	No objection.
Tyne and Wear Fire and Rescue Service	No objection.
The Coal Authority	No objection.
NEDL	No objection.
Northumbria Police	Support for the removal of Conditions 5 and 6.

## **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.

3.2 A total of nine objections to the proposal have been received, including an objection from a Ward Councillor (Councillor Peter Maughan). The objections are summarised as follows;

- The removal of the secondary access would result in a highway safety issue(s);
- The proposal represents overdevelopment and would result in an impact on amenity and highways;
- The cycle storage and bat/bird boxes should not be omitted from the scheme; and
- The development would result in disruption during construction.

3.3 A total of four letters of support have been received and are summarised as follows;

- The proposed development would result in an improved scheme in terms of safety of residents; and
- The secondary access has never been open to the public and has always been gated and locked.

## **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP29 Flood Risk Management

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP39 Protecting Open Space/Sport/Recreation

MSGP40 Provide/Enhance Open Space/Sport/Rec

## **5.0 Assessment:**

### **5.1 BACKGROUND**

The principle of the proposed development has been established through the granting of planning application DC/20/01183/FUL. The approval considered the issues of principle of the development and its acceptability in terms Design, residential amenity, highway safety, land conditions, flood risk and drainage, ecology, open space. The development, subject to conditions, was considered acceptable in all regards.

5.2 Based on the above, it is considered necessary to consider the application in regard to changes in site circumstance, planning policy and any implication with regard to the removal and amendment of the planning conditions.

### **5.3 POLICY BACKGROUND**

The NPPF was amended in July 2021, following the approval of application DC/20/01183/FUL, these changes were focussed on design quality. It is considered by officers that the changes to the NPPF do not have a significant impact on the decision to approve application DC/20/01183/FUL.

5.4 CONDITIONS 5 and 6 (FOOTPATH PROVISION)

The above conditions require the provision of a secondary pedestrian access between 9 and 11 Monkridge Gardens. Condition 5 specifically states;

*"No dwellinghouse hereby permitted shall be occupied until the final details of the pedestrian route to the east of the site onto Monkridge Gardens has been submitted to and approved in writing by the Local Planning Authority. The detail shall include a timetable for implementation (and opening), as well as details of boundary treatments to both nos 9 and 11 Monkridge Gardens, gradients, materials, lighting and any offsite highways works."*

5.5 Further, Condition 6 requires that the footpath be provided in full accordance with the details and timeframes approved under Condition 5.

5.6 In attaching the planning condition, weight was offered to the appeal relating to application DC/17/01358/OUT, in which the Inspector stated '*... the use of the separate access for pedestrians onto Monkridge Gardens would provide an alternative route and its provision for this purpose could be controlled through the use of a planning condition.*' The implication of this statement being that the utilisation of the secondary access is acceptable.

5.7 Further to the above, weight was also offered to the potential increase in anti-social behaviour as raised by objectors.

5.8 Following the submission of the current application, additional material planning considerations have come to light, namely;

- An increased level of support of the removal of Conditions 5 and 6 from local residents based on the potential increase of anti-social behaviour;
- Support from Northumbria Police for the removal of Conditions 5 and 6, concluding;  
*"... we consider the inclusion of a narrow unwelcoming footpath that ends alongside a substation undermines the security of the both the new and existing development, is a potential crime attractor and potentially facilitates foraging crime"* and;
- There is a vehicular right of access over the footpath to allow access to the substation to the east of the application site.

5.9 Having revisited the layout and in particular the access proposals, as well as understanding concerns from local residents, Northumbria Police and the potential dominance of the access by vehicles, it is considered by officers (including Transport Planning Officers) that these concerns to outweigh any potential highway safety issues/conflicts and the proposed layout is considered to be acceptable, on balance, in transport terms with the separate pedestrian link removed.

5.10 While the final access proposals are subject to detailed design and a s278 agreement, the main access to the site provides a clear transition for pedestrians from the footway to the shared surface arrangement, which is

considered to promote use by all modes, as such the removal of the separate pedestrian route would not be deemed to be detrimental to pedestrian safety.

- 5.11 However, based on the anticipated uplift in pedestrians using the main shared site access, it is considered that 'Private Drive' areas to the sides of 21 and 23 need to be 'protected' and remain open for use by pedestrians. As such, it is considered that an additional condition is required seeking to keep these areas free for use by pedestrians and cyclists. The full wording of the additional condition is set out within the recommendation (Condition 9).
- 5.12 Subject to the additional condition and having regard to the additional materials planning considerations, it is considered that the removal of Conditions 5 and 6, is (on balance) acceptable in accordance with the NPPF and Policies CS13, CS15, MSGP15, MSGP17 and MSGP24 of the Local Plan for Gateshead.
- 5.13 **CONDITION 3 and 4 (MATERIALS)**  
These conditions required the submission of final details of materials for approval and implementation of the scheme in accordance with the approved details. The applicant has submitted these details as part of the current application; the application has provided details, in the form of a product detail/spec and photograph, of bricks, render, cladding, roofing and general items e.g. windows, doors and guttering.
- 5.14 Officers have assessed the submitted details and consider the materials to be acceptable, as such the amendment to these conditions to become a 'compliance' condition is considered to be acceptable and complies with the NPPF, Policy CS15 and MSGP24 of the Local Plan for Gateshead and the Gateshead Placemaking SPD. The full wording of the amended condition is set out within the recommendation (Condition 3).
- 5.15 **CONDITION 9 (CYCLE STORAGE)**  
The condition required the provision of cycle storage for each individual dwellinghouse in accordance with details submitted by the applicant, prior to the occupation of said dwellinghouse.
- 5.16 The applicant seeks to amend the condition to allow alternative cycle parking details to be provided for consideration (at discharge of condition stage). Officers consider this approach to be acceptable and this would mirror similar conditions attached to other developments.
- 5.17 The amendment would require the introduction of an additional 'compliance' condition to ensure works are undertaken either in accordance with the approved detail or in accordance with an alternative, approved scheme.
- 5.18 Subject to the additional condition, it is considered that the amendment to Condition 9 is acceptable in accordance with the NPPF and Policies CS13 and MSGP15 of the Local Plan for Gateshead. The full wording of the amended conditions is set out within the recommendation (Conditions 6).

5.19 CONDITIONS 16 and 17 (BIRD AND BAT BOXES)

These conditions required the submission of final details of bird and bat boxes for approval and implementation of the scheme in accordance with the approved details. As with the details of materials, the applicant has submitted these details as part of the current application. The application provides both a manufacturers specification and details of the location for 3no. bird boxes and 3no. bat boxes.

5.20 Officers have assessed the submitted details and consider the scheme to be acceptable, as such the amendment to these conditions to become a 'compliance' condition is considered to be acceptable and complies with the NPPF and Policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead. The full wording of the amended condition is set out within the recommendation (Condition 14 and 15).

5.21 CONDITION 1 (APPROVED PLANS)

The amendment to the approved plans is necessary to allow for the site layout plan to be substituted, thus allowing the omission of the secondary pedestrian access; no other changes are proposed.

5.22 The variation of the condition is considered to be acceptable in accordance with the NPPF and Policies CS13, CS15, MSGP15, MSGP17 and MSGP24 of the Local Plan for Gateshead. The full wording of the amended condition is set out within the recommendation (Condition 1).

5.23 CONDITIONS

The current application, given it would grant a new planning consent, allows an opportunity to re-consider the conditions attached to permission DC/20/01183/FUL.

5.24 It is considered that all conditions not expressly referenced above should be reattached in an unedited form, for the avoidance of doubt these conditions are (the full condition wording is set out within the recommendation);

- Condition 2 - Time Limit;
- Conditions 7 and 8 - Demolition and Construction Management Plan (now Conditions 4 and 5);
- Condition 10 - Visibility Splay (now Condition 7);
- Condition 11 - Front Gardens (now Condition 8);
- Conditions 12 and 13 - Land Contamination (now Conditions 10 and 11);
- Conditions 14 and 15 - Drainage (now Conditions 12 and 13);
- Conditions 18 and 19 - Removal of Himalayan Cotoneaster (now Conditions 16 and 17);
- Condition 20 and 21 - Blocking of openings to 21 and 23 Monkridge Gardens (now Conditions 18 and 19);
- Condition 22 - Removal of PD rights Plots 5 - 9 (now Condition 20).

5.25 OTHER MATTERS

The issue of highway safety is considered within the main body of the report.

- 5.26 Issues of amenity, both in regard to construction and the physical development, were considered in detail during the consideration of application DC/20/01183/FUL. The current scheme does not amend the proposal significantly and it is considered that the current proposal would not give rise to any additional impacts than extant permission DC/20/01183/FUL, further conditions are in place requiring the submission of a Demolition and Construction Management Plan (Conditions 4 and 5).
- 5.27 Cycle parking and bat/bird boxes are not to be omitted from the scheme; this objection is based upon a misunderstanding/misinterpretation the proposal.

## **6.0 CONCLUSION**

- 6.1 The proposed development would result in the redevelopment of previously developed land. Taking all the relevant issues into account, it is considered that the proposal is, on balance, acceptable in terms of visual amenity, residential amenity, highways, ecology, ground conditions, flood risk/drainage, open space/play provision, and through the use of appropriate conditions, would comply with the aims and objectives of the NPPF, and the relevant policies of the Local Plan for Gateshead.

## **7.0 Recommendation:**

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary

1

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

27860 NNA 1100 P06 - Proposed Site Plan

27860 NNA 1150 P03 - Proposed Massing and Street Scene

27860 NNA 1200 P02 - Proposed House Type A

27860 NNA 1220 P02 - Proposed House Type C

27860 NNA 1230 P02 - Proposed House Type D

27860 NNA 1250 P01 - Proposed House Type F

'Bike Storage Addition Bike Shed - 3 Bike'

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.

2

The development to which this permission relates must be commenced not later than 08 April 2021.

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.

3

The development hereby approved shall be undertaken in accordance with the submitted materials schedule '27860 - Proposed Dwelling Materials - P02' submitted with the variation of conditions submission hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, policies CS15 and MSGP24 of the Local Plan for Gateshead, and the Gateshead Placemaking SPD.

4

No development (including demolition) shall commence until a Demolition and Construction Management Plan (DCMP) has been submitted to and approved in writing by the Local Planning Authority.

The DCMP shall include:

- a dust management plan
- a noise management plan
- contractor parking

All external works and ancillary operations in connection with the demolition and/or construction of the development, including deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays, unless otherwise approved in writing by the Local Planning Authority.

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the demolition and construction phases of the development in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

Reason for Pre-commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the demolition and construction phases of the development can be carried out in a manner which minimises nuisance to surrounding residents and businesses. This information is fundamental to the development and requires approval prior to development starting on the site as the commencement of demolition

and construction works and the manner in which they are undertaken could affect adjacent occupiers.

5

The development shall be implemented in accordance with the Demolition and Construction Management Plan measures approved at condition 4.

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the demolition and construction phases of the development in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

6

Prior to the first occupation of each individual dwellinghouse hereby approved, secure and weatherproof cycle parking shall be installed for the dwellinghouse. The cycle parking shall be installed at each dwelling in accordance with the details shown on shown on approved plan 27860 NNA 1100 P06 - Proposed Site Plan and in accordance with detail 'Bike Storage Addition Bike Shed - 3 Bike' - unless an alternative scheme for the provision of cycle parking, has been submitted to and agreed in writing by the Local Planning Authority.

Thereafter development shall be implemented in accordance with the scheme agreed. All cycle parking shall be maintained for the lifetime of the development.

Reason

In the interests of sustainable development and in order to accord with the NPPF, Policy CS13 of the CSUCP, Policy MSGP15 of MSGP.

7

The visibility splay labelled 'vision splay 2.4m x 25m' on approved drawing 27860 NNA 1100 P05 - Proposed Site Plan shall be kept clear of any obstructions above 600mm in height.

Reason

In the interests of highway safety and in accordance with the NPPF and Policies CS13 and MSGP15 of the Local Plan for Gateshead.

8

Prior to the first occupation of any dwellinghouse hereby approved, the front curtilages areas of 21 and 23 Monkridge Gardens shall be laid out in full accordance with the details shown on approved plan 27860 1100 P05 - Proposed Site Plan.

Thereafter a wall, fence or other physical barrier, to a maximum height of 600mm, shall be maintained to the front of both numbers 21 and 23 Monkridge Garden, the purpose of which shall be to prevent the

parking of a motorised vehicle forward of the principle elevations of these dwellings.

Reason

In the interests of highway and pedestrian safety and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

9

The area of 'private drive' shown to the gable elevations of both 21 and 23 Monkridge Gardens on approved plan 27860 NNA 1100 P06 - Proposed Site Plan shall be made available for the use by vehicles, pedestrians and cyclists before the first occupation of any dwellinghouse hereby approved. Thereafter the 'private drive' shall remain open for use for vehicles, pedestrians and cycles at all times. No barriers or other physical impediments to the use of this 'private drive' by vehicles, pedestrians and cyclists shall be put in place without the prior written consent of the Local Planning Authority.

Reason

In the interests of highway and pedestrian safety and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

10

The development hereby approved shall be carried out in full accordance with the submitted Remediation Strategy, made up of the following documents:

- "Phase II Environmental Risk Assessment" produced by Roberts Environmental Limited, reference 200801.R.001, dated September 2020.
- Letter from Roberts Environmental entitled "Re: Updated Ground Gas Risk Assessment - Land at Monkridge Gardens, Dunston", dated 26th October 2020, reference 200801. GA.001
- Email from Andrew@robertsenvironmental.co.uk> Gas Addendum - Monkridge Gardens, dated Mon 26/10/2020 13:27
- "Remediation Strategy" produced by Roberts Environmental Limited, Reference: 200801.R-RS.001, dated October 2020.
- Phase 1 Land Quality Report" produced by Roberts Environmental Limited, reference 171218.01.R.001, dated January 2018.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the NPPF and Policies CS14 and MSGP20 of the Local Plan for Gateshead.

11

Upon completion of the remediation works detailed in the approved Remediation Strategy and prior to the occupation of any residential unit

hereby permitted, a detailed Remediation Verification report shall be submitted to the Local Planning Authority for approval. The report should provide verification that the required works regarding contamination have been carried out in full accordance with the approved Remediation Strategy and should provide a summary of remedial works carried out together with relevant documentary evidence and post remediation test result to demonstrate that the required remediation has been fully met.

#### Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the NPPF and Policies CS14 and MSGP20 of the Local Plan for Gateshead.

12

No development (excluding demolition) shall commence until a detailed scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include the following details:

- a) details of existing land drainage;
- b) an assessment of the potential for disposing of surface water by means of a sustainable drainage system
- c) information about the design storm period and intensity
- d) the method employed to delay and control the surface water discharged from the site, including electronic modelling
- e) the measures taken to prevent pollution of the receiving groundwater and/or surface waters
- f) a timetable for its implementation; details of when elements of proposed drainage scheme will be implementing and connected
- g) a Drainage Construction Method Statement; details of how these drains will be protected during the construction phase, and methodology and specification for their replacement should damage occur, shall be submitted
- h) a Drainage Management & Maintenance Document for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

For the avoidance of doubt, criterion a) will be satisfied by the provision of an accurate survey of the existing live land drainage, to confirm line and invert levels/ pipe diameters, plus any connecting chambers. A proposal for the permanent re-instatement of any lengths of temporary drainage plus any connections shall be developed. This information shall be appended to the proposed drainage plan to demonstrate that there are no conflicts between existing and re-instated drainage and the proposed drainage and engineering works. Cross sections shall be

submitted showing the relationship between the existing drains and the engineering detail of the gabion walls and permeable paving.

For the avoidance of doubt, criterion g) will be satisfied by the inclusion in the Method Statement of a surveyed plan of the existing live land drainage showing line and invert level of the drain plus any connecting chambers. Details of how these drains will be protected during the construction phase, and methodology and specification for their replacement should damage occur, shall be submitted as part of the details required by g) above.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and policies CS17 and MSGP29 of the Local Plan for Gateshead.

13

The drainage scheme approved under condition 12 shall be constructed, implemented, managed and maintained in accordance with the approved timetable and managed and maintained in accordance with the approved details thereafter.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and policies CS17 and MSGP29 of the Local Plan for Gateshead.

14

An individual Ibstock Bat Box C shall be installed no lower than 4 metres from ground level at each of the new houses on Plots 1, 3 and 8 in the rear elevations facing the rear gardens (i.e. south-west / south-east respectively), as per the approved "Ibstock Bird and Bat Boxes" specification sheet and shall be retained for the lifetime of the development.

Reason

To ensure the development provides replacement/enhanced opportunities for protected and priority species in accordance with the NPPF, policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.

15

An individual Ibstock 'Swift' Bird Box shall be installed no lower than 5 metres from ground level, as near to eaves level as possible at each of the new houses on Plots 5, 6 & 9 (sited on the east rear elevation house on Plot 5, north gable elevation house on Plot 6, north gable elevation house on Plot 9, as per the approved "Ibstock Bird and Bat Boxes" specification sheet and shall be retained for the lifetime of the development.

Reason

To ensure the development provides replacement/enhanced opportunities for protected and priority species in accordance with the NPPF, policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.

16

Notwithstanding the information submitted no development (including demolition) shall commence until a scheme for the eradication of Himalayan Cotoneaster (*cotoneaster simonsii*) to prevent the spread of this species has been submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent the spread of a harmful invasive species in accordance with the NPPF, policies CS18 and MSGP37 of the Local Plan for Gateshead.

Reason for Pre-commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the demolition, site clearance and construction works can take place in a manner that does not allow the spread of an invasive species.

17

The approved Himalayan Cotoneaster (*cotoneaster simonsii*) eradication scheme shall be implemented and retained in full accordance with the details approved under Condition 16.

Reason

To prevent the spread of a harmful invasive species in accordance with the NPPF, policies CS18 and MSGP37 of the Local Plan for Gateshead.

18

Notwithstanding the submitted details, no dwellinghouse hereby approved shall be occupied until a scheme for the 'blocking up' of the ground floor openings (doors and windows) within the side elevations of both 21 and 23 Monkridge Gardens has been submitted to and approved in writing by the Local Planning Authority,

Reason

In the interests of residential amenity and in order to accord with NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

19

The scheme for 'blocking up', approved under condition 18, shall be completed in full prior to the occupation of any dwellinghouse hereby approved and shall be retained as such, unless otherwise approved in writing by the Local Planning Authority.

Reason

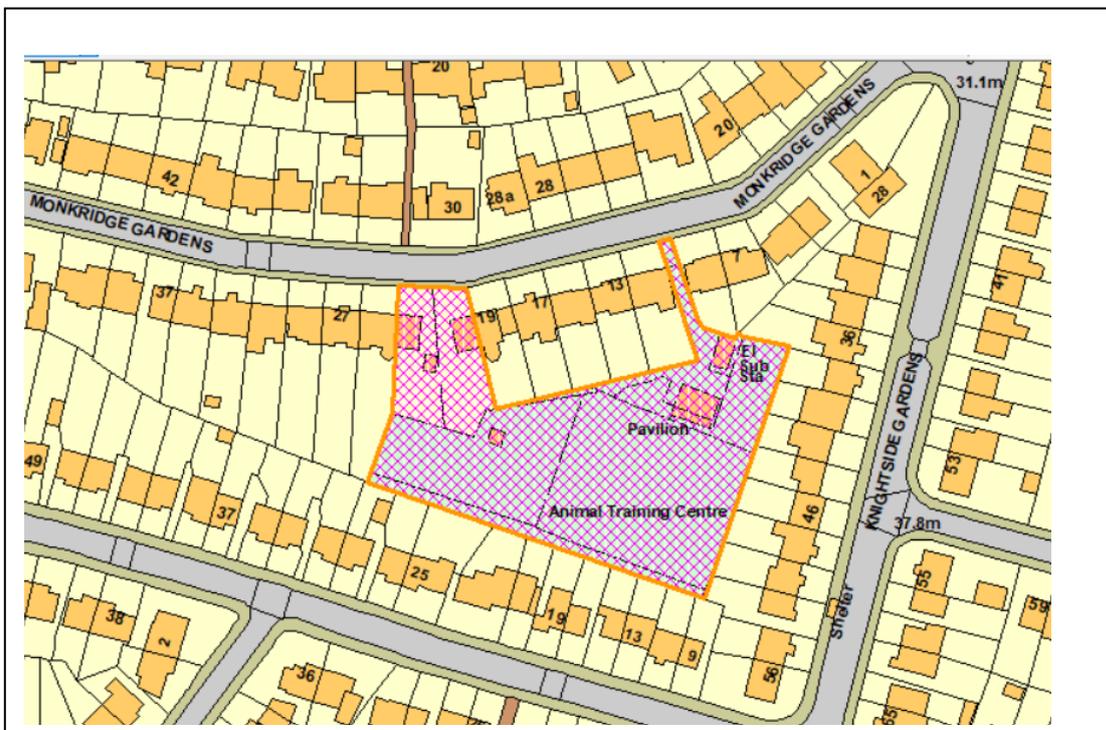
In the interests of residential amenity and in order to accord with NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

20

Notwithstanding the provisions of Article 3, Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), the permitted development rights of Plots 5-9 (enlargement, improvement or other alteration of a dwellinghouse) are hereby removed.

Reason

In the interests of residential amenity and in order to accord with NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.



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**Committee Report**

<b>Application No:</b>	<b>DC/21/00752/ADV</b>
<b>Case Officer</b>	<b>Richard Smith</b>
<b>Date Application Valid</b>	<b>2 July 2021</b>
<b>Applicant</b>	<b>Mr David Dryden</b>
<b>Site:</b>	<b>Eighton Lodge Low Eighton Harlow Green Gateshead NE9 7UB</b>
<b>Ward:</b>	<b>Lamesley</b>
<b>Proposal:</b>	<b>Display of 3 externally illuminated and 2 non-illuminated signs (amended plans received 24.08.21 and 21.09.21)</b>
<b>Recommendation:</b>	<b>GRANT TEMPORARY PERMISSION</b>
<b>Application Type</b>	<b>Application to Display Adverts</b>

**The Application:**

1.1 BACKGROUND

This application was deferred at the meeting of the Planning and Development Committee on 8 September 2021 to allow for a Members' Site Visit to take place. The purpose of the Site Visit was to allow Members to better consider the impact of the development on visual amenity of the area and the impact upon highway safety. The site visit took place on Thursday 30 September.

1.2 DESCRIPTION OF SITE.

This application concerns a detached care home at Low Eighton. The surrounding area is predominantly residential however there is a public house/hotel, The Angel View Inn, immediately adjacent. The main pedestrian and vehicular access is gained from a junction off Durham Road, north of the A1 roundabout at Birtley, however there is also an access via Long Bank.

1.3 The care home site is enclosed by various boundary treatments including a random stone wall and post and panel fence and views into the site are screened by a substantial amount of shrub and tree planting.

1.4 DESCRIPTION OF APPLICATION

The application under consideration is for advertisement consent for a total of five flat panel signs mounted on metal support posts. Signs 1 will be 2 metres in height and 2 metres in width and will be fixed to 0.5 metre post and sign 4 will be 1.5 metres in height and 2 metres in width and will be fixed to 0.5 metre posts. Signs 2, 3 and 5 will be 1 metre in height and 2 metre in width and will be fixed to 0.5 metre posts

1.5 Three are externally illuminated signs, by the use of trough lighting, one to be

located behind the boundary wall at the Durham Road access road (Sign 1) and two located at the main entrance of the care home (Signs 2&3). They would be illuminated at 600cd/m<sup>2</sup>, reduced from the original 1200cd/m<sup>2</sup> as submitted.

- 1.6 The application also proposes 2no non illuminated signs one to be located at the Long Bank access road (Sign 4) and one to be located further along the access road adjacent to Longacre Cottage (Sign 5).
- 1.7 Signs 2, 3 and 4 were originally submitted with directional arrows included, however following concerns raised they have now been removed from all signage.
- 1.8 The agent has provided an updated site location plan (02.09.21), repositioning sign 4. Sign 4, has been set back off the junction at Long Bank, so that it is now located outside of the extent of the adopted highway. The size and appearance of the sign will remain the same. A further updated site location plan (21.09.21) was submitted showing the intended access routes the directional arrows on the signage refer too.
- 1.9 **PLANNING HISTORY**  
Advertisement consent was granted in 2018 (DC/18/00213/ADV) for the display of two post mounted signs at locations 1 and 2 of the advertisement application currently under consideration.

## **2.0 Consultation Responses:**

**None**

## **3.0 Representations:**

- 3.1 5no letter of objection have been received, raising concern with regards
  - out of character
  - loss of view
  - noise and disturbance
  - loss of trees
  - size and scale of signage excessive
  - Hamlet turned into mini-commercial site
  - clinical look of signs
  - restricted views for traffic
  - highway and pedestrian safety
  - additional traffic
  - not enough space for adequate turning on private access.
  - use of private road for access to care home
  - no right of access to private road
  - private road use and maintenance for residents
- 3.2 1no additional objection has been received by an existing objecting raising further concerns around the size of the signage.

3.3 In response to the objections, the agent has provided the following responses.

- The additional signs proposed are similar to what has been in place for a number of years & are not out of character
- The signs do not block any significant views
- They will be no more noise or disturbance as a result of providing signage to the care home.
- No trees will be lost as a result of providing the signs.
- The signs are not excessive in size.
- The signage will not turn the site into a mini commercial site it will remain as it has been for many years as a rural site.
- The signs' appearance are of a standard type used in all care homes.
- The signs locations conform to the Council's Highway Standards & do not restrict any views & visibility or impact highway safety.
- The signs will not create any addition traffic but simply direct families/visitors who wish to visit the care home
- The application does not impact on space for turning on private access.
- The access road is a public right of way as per the Council's highways plan and the care home have a right of access.
- The Care Home has legal rights of access & the signage proposed does not affect or have any material significance to this application

#### **4.0 Policies:**

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

#### **5.0 Assessment of the Proposal:**

5.1 Assessment of the Proposal:

5.2 The issues to be taken into consideration in the assessment of this application are limited to matters of amenity and public safety only.

5.3 The application is to be assessed with regard to Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and paragraph 136 of the National Planning Policy Framework (NPPF) (2021), which guides that poorly sited and designed advertisements can be detrimental to the quality and character of places, and that "advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts".

5.4 AMENITY

The NPPG provides guidance on how 'amenity' is to be assessed, which is usually understood to mean the effects on aural and visual amenity in the immediate neighbourhood of an advertisement of site for the display of advertisements, where residents or passers-by will be aware of the advertisement. In assessing amenity, the Local Planning Authority are then to consider "the local characteristics of the neighbourhood, for example, if the

locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features".

- 5.5 The application site is not considered to be within a sensitive area. The site is not located within an area of particular scenic, historic, architectural or cultural importance; it is not within a Conservation Area and there are no Listed Buildings nearby that would be affected. The Angel of the North, a non-designated heritage asset, is some 260m from the site however the signage does not have any adverse impact on its appearance or setting.
- 5.6 It is noted that the area is predominately residential in nature, however there are a small number of commercial advertisements within the area associated with the Eighton Lodge care home and the Angel View Inn.
- 5.7 It is considered the proposed sign at the Durham Road junction that given it will replace an existing sign and with regards to its location towards a dual carriageway with various roadside signage it is not considered to be out-of-keeping with the character of the area.
- 5.8 With regards to the 2no signs at the car park entrance, given their size and scale and that there is a sign already in situ, which will be replaced, it is considered they are acceptable.
- 5.9 Sign 4 is located on the junction of Long Bank, it is considered that the size and scale of the sign is such that it will not appear out of character or lead to an unacceptable impact on the visual amenity of the area, furthermore signage has been granted permission at the nearby Ravensworth Golf Course on the Long Bank junction.
- 5.10 Sign 5 will be located along the access road between Long Bank and the access roads to the residential properties and the Angel View Inn. There is a signage already in situ nearby, advertising the Angel View Inn and therefore it is considered to be an acceptable location for the proposed sign.
- 5.11 Whilst, the 2018 approval removed the lighting element of the proposed signs, it is considered the low levels proposed within this application and, following a site visit which found 3no streetlamps in close proximity to where the illuminated signs will be sited and a further one located towards the Angel View Inn, it is considered the proposed illumination is acceptable.
- 5.12 **PUBLIC SAFETY**  
The proposed signage would not result in prominent features which would adversely impact on the safety of persons using any highway; obscure or hinder the ready interpretation of any traffic sign; or hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 5.13 Whilst highways have requested a 2m x2m visibility splay on sign 1, on balance it is considered that whilst the location of the proposed sign is in a slightly

different location than the sign previously approved under DC/18/00213/ADV, the new location, set back behind the wall at the junction offers more visibility than the existing sign and as such is acceptable.

5.14 Amended plans were submitted removing the directional arrows from signs 1 and 4 which are both located immediately adjacent to a public highway.

#### 5.15 OTHER MATTERS

Objectors raised concerns around the use of a private road which goes through the residential properties to the Eighton Lodge. It is considered that the use of the private road for access is not a matter that can be considered as part of this application for advertisement consent and is a civil matter.

5.16 Loss of view is not a material planning consideration and as such has not been considered as part of this application for advertisement consent.

5.17 No trees will be lost as a result of the proposed development.

### 6.0 CONCLUSION

6.1 The proposed advertisement scheme is acceptable as there would be no detrimental impact upon the character or amenity of the area or upon public safety as a result of its installation.

6.2 The proposal is therefore considered to be in accordance with paragraph 136 of the National Planning Policy Framework and Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

### 7.0 Recommendation:

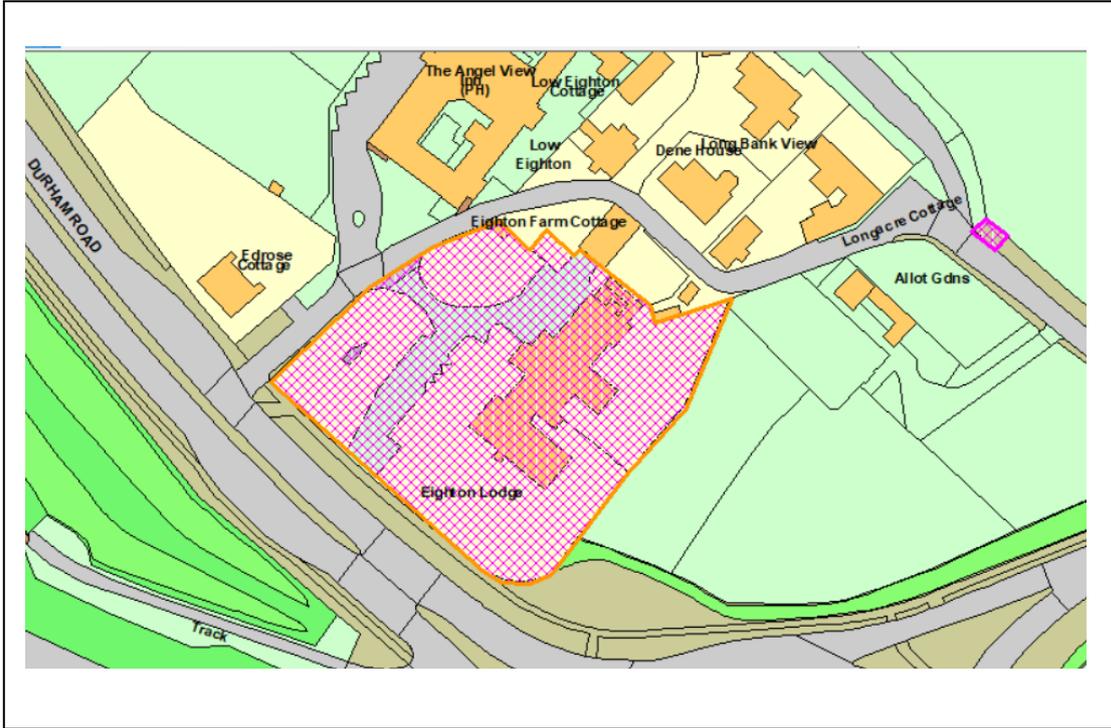
That temporary permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

The maximum illumination level of 600cd/m<sup>2</sup>, for Signs 1, 2 and 3 shall not be exceeded. Signs 4 and 5 shall not be illuminated unless first approved in writing by the Local Planning Authority.

Reason

To safeguard the amenity of the area in accordance with the National Planning Policy Framework and National Planning Practice Guidance.



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**Committee Report**

<b>Application No:</b>	<b>DC/21/00869/TDPA</b>
<b>Case Officer</b>	<b>Rebecca Norman</b>
<b>Date Application Valid</b>	<b>9 July 2021</b>
<b>Applicant</b>	<b>CK Hutchison Networks (UK) Ltd</b>
<b>Site:</b>	<b>Land At The Junction Of Ashtree Lane And Hookergate Lane High Spen Rowlands Gill NE39 2BE</b>
<b>Ward:</b>	<b>Winlaton And High Spen</b>
<b>Proposal:</b>	<b>DETERMINATION OF PRIOR APPROVAL: Proposed 15m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works (amended plans and description 23.08.2021)</b>
<b>Recommendation:</b>	<b>PRIOR APPROVAL IS REQUIRED AND APPROVED</b>
<b>Application Type</b>	<b>Telecommunications DPA</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF SITE**

The application relates to an area of highway land at the junction of Ashtree Lane and Hookergate Lane, High Spen.

1.2 The area surrounding the site is predominately residential in character with dwellings on all sides, in addition to The Bute Arms Public House to the north west, beyond Hookergate Lane.

1.3 The site is situated within the High Spen Area of Special Character

**1.4 DESCRIPTION OF APPLICATION**

The application seeks determination of prior approval for a new telecommunications installation. The installation consists of a 15 metre high Phase 8 monopole with a wraparound cabinet at the base and 3no. associated cabinets that would provide improved 5G capacity and coverage for the Three network. The monopole is proposed to be painted grey.

1.5 The application is made pursuant to Part 16 of Schedule 2 of the Town and Country (General Permitted Development) Order 2015 (GPDO) (as amended).

1.6 The application is supported by the following documentation:

- Existing and proposed plans
- ICNIRP Certificate
- Supplementary information

- Developer notice letter and covering letters
- 1.7 The application has been amended during its course to reduce the height of the proposed monopole from 20 metres to 15 metres.
- 1.8 **RELEVANT PLANNING HISTORY**  
None relevant to this application.
- 2.0 Consultation Responses:**
- None undertaken
- 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 including the display of a site notice.
- 3.2 An objection has been received from Councillor Charlton which raises concerns relating to the proximity of the proposed development to residential dwellings and the footpath used by children walking to/from school in accordance with the new High Spen road layout and routes to school planning, and also that future residents of new houses north of the application site will not be aware of the proposed development.
- 3.3 An objection has also been received from Councillor Simpson which states that the proposed development is surrounded by residential properties and will have a detrimental effect on the surrounding area.
- 3.4 A total of 5no. further letters of objection have been received which raise the following points:
- Out of character with streetscene
  - Detrimental impacts upon visual amenity of the area
  - The proposed equipment would be an eyesore/visually intrusive
  - Overdevelopment
  - The proposed development would dominate the streetscene as there is nothing of this height in the village
  - The approval of the application would contradict nearby planning approvals, which required the use of sympathetic materials and to prevent detrimental impact upon visual amenity
  - The approval of the application would counteract efforts to improve the appearance of the village
  - The proposed equipment will be visible from neighbouring residential properties
  - The proposed development is too close to residential properties
  - The proposed equipment would be intrusive and overbearing to nearby residential properties
  - Traffic/highways concerns

- Inadequate car parking
- The proposed cabinets will make the footpath narrow, leading to pedestrian safety concerns
- The proposed cabinets may affect lines of site and will temporarily obscure the view of traffic for users of the road junction
- The application site is opposite the local public house and is used for parking, and the proposed development will worsen this situation
- Servicing and maintenance works will block the pavement and there is nowhere for service vehicles to parking during maintenance
- The proposed cabinets will prevent maintenance of the adjacent hedge and exacerbate the line-of-site issue
- The proposed access route is not a viable option for installation of the equipment as Ashtree Lane is not suitable for long vehicles
- Out of character with Conservation Area
- Loss of trees
- Alternative sites should be considered
- Generators will cause noise
- The proposed development will attract vandals
- Negative impacts upon property prices
- Health concerns

3.5 A total of 3no. letters of support have been received which raise the following points:

- The proposed development would improve poor mobile signal in the village and in dwellings
- The proposed development is necessary to modernise the village, especially as there will more mobile phone users following completion of new housing developments

#### **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

MSGP23 Areas of Special Character

MSGP24 Design Quality

## **5.0 Assessment of the Proposal:**

- 5.1 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 of 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.
- 5.3 The proposed development has been assessed and it is considered that this falls within the scope of telecommunications development subject to the prior approval process. Under the prior approval process, the LPA can only consider the matters of the siting and appearance of the proposed development.
- 5.4 Certain other forms of minor development (including the installation of equipment cabinets) that meet the criteria defined within the GPDO are classed as permitted development without the requirement for prior approval to be sought from the LPA. The proposed cabinets shown on the submitted plans meet the relevant criteria and are therefore not subject to consideration as part of this application as they are permitted development. The application therefore relates to the proposed installation of 15m high monopole only.
- 5.5 **SITING AND APPEARANCE**  
The supporting statement identifies that there is a requirement to upgrade the Three network to provide improved coverage and capacity, most notably in relation to the provision of new 5G coverage in the area of High Spen. As detailed in the supporting information the cell search areas for 5G are extremely constrained, with a typical cell radius of approximately 50m, meaning that it would not be feasible to site the proposed monopole outside of this area.
- 5.6 As part of the application process the applicant has investigated a number of alternative sites within the area, as detailed in the supporting documentation, which have been discounted for both for technical operational reasons and physical limitations relating to the sites themselves. The supporting statement also details that the 5G cell search area in this instance is very restricted and there are therefore extremely limited options within this for the proposed development which would provide the necessary 5G coverage; the supporting statement therefore details that the proposed site represents the only viable solution in this case.

- 5.7 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.
- 5.8 The proposed development has been amended during the course of the application in order to reduce the height of the proposed monopole from 20 metres to 15 metres in order to seek to respond to concerns raised in relation to the proposals.
- 5.9 The application site occupies a roadside location at the corner of Ashtree Lane and Hookergate Lane next to a large coniferous hedge within a predominantly residential area which contains other structures such as telegraph and streetlighting poles and road signage. Officers acknowledge that at 15 metres in height the proposed monopole would be a tall structure that would exceed the height of other nearby structures, and in the absence of tree screening within the immediate vicinity that this would be visible from within the streetscene. The proposed monopole is not however of a particularly unusual or striking design and therefore Officers consider that, whilst visible, this would not appear out of keeping or unduly prominent within its setting to an unacceptable degree. As such, Officers consider that the proposed development would not have an unacceptable impact upon the visual amenity of the surrounding area.
- 5.10 The site is located within the High Spen Area of Special Character. The Gateshead Placemaking Supplementary Planning Document (SPD) identifies High Spen as an old mining village with some notable buildings of townscape interest and provides design guidance which seeks to resist the conversion of shop units to residential uses and encourage improvements to housing stock and the village centre. It is considered that the proposed development would not have an unacceptable impact upon the identified character of the area and would therefore accord with Local Plan policy MSGP23.
- 5.11 The closest residential properties to the application site are Newholme (directly to the south) and 3 Ashtree Lane (to the north, beyond Ashtree Lane); neither property would however directly face the proposed monopole and their occupants would therefore generally be afforded oblique rather than direct views of the structure. There are also further residential properties to the western side of Hookergate Lane which would face towards the application site however these are situated around 30m or more from the site. Officers accept that the proposed monopole would be both visible from and within the context of all of these residential properties; these are not however reasons in themselves to refuse prior approval. Officers consider that the siting and appearance of the proposal would not give rise to such detrimental impacts upon residential amenity in terms of any overbearing or overly intrusive impact, noise or loss of privacy or outlook so as to warrant refusal of the scheme.

- 5.12 In addition to the above Officers are of the opinion that the siting of the proposed monopole would not harm the visibility of highway users or form a distraction to motorists.
- 5.13 Based on the information submitted it is considered that the proposal would be acceptable in respect of the matters of siting and appearance.
- 5.14 **HEALTH AND SAFETY ISSUES**  
The National Planning Policy Framework (NPPF) at Paragraph 117 offers guidance on health and safety considerations in relation to mobile phone masts.
- 5.15 In accordance with the NPPF, applications for a new mast 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.
- 5.16 NPPF Paragraph 118 further states that "Local Planning Authorities must determine applications on planning grounds only" and should not "set health safeguards different from the International Commission guidelines for public exposure".
- 5.17 The applicant has submitted an ICNIRP certificate, certifying that when operational International Commission guidelines would be met. Whilst noting the representations received in respect of health impacts no further assessment of the health impacts of the development can therefore be undertaken by the LPA.
- 5.18 **OTHER MATTERS**  
In reviewing the application Highways Officers have observed that the proposed development as a whole would introduce a new obstruction on the footway and have therefore recommended that the equipment be relocated in order to reduce the potential impact on pedestrian flows and allow a footway width of 2m to be retained.
- 5.19 Notwithstanding the above and on the basis of the submitted supporting information which details that there are no viable alternative sites for the proposed development, Highways Officers have however raised no objections to the development as a whole (including the equipment cabinets) on highway safety grounds, having identified that the proposed equipment would result in a minimum footway width of 1.5m over a distance of 5m which is acceptable in accordance with national Inclusive Mobility guidance.
- 5.20 The applicant has been made aware of the comments raised by Highways Officers in respect of the potential relocation of the proposed development; it is however again noted that the supporting statement details that this is the only viable site for the proposed development in this location and also that the

proposed cabinets are permitted development and are therefore not subject to consideration as part of this prior approval application. Confirmation has also been requested from the applicant as to whether consideration was given to the siting of the proposed equipment at the adjacent corner of Ashtree Lane and Ashfield Court where the footway is wider and it is understood that this location was previously considered but discounted due to this being in direct view of adjacent residential dwellings.

- 5.21 A number of other matters have been raised within letters of representation including the potential for the development to attract vandals and the devaluation of property 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 issues from ancillary equipment however this does not fall within the scope of matters to be considered by this application.
- 5.22 Comments have also been received which raise concerns relating to the proposed access route for installation of the proposed monopole and future servicing/maintenance arrangements. 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.
- 5.23 Comments have been received which raise concerns about a loss of trees and impacts upon the Conservation Area however the application site is not within a Conservation Area and would not result in any loss of trees.
- 5.24 One letter of representation received states that the application site is used for parking associated with the nearby public house which has led to a number of near misses between which the proposed development would make worse; there is however no evidence that this would be case and it is therefore considered unreasonable to refuse prior approval on this basis.
- 5.25 One letter of representation received states that any approval of the application would contradict nearby planning approvals, which required the use of sympathetic materials and to prevent detrimental impact upon visual amenity. Each application is however to be considered on the basis of its own merits and Officers do not consider the proposed scheme to be unacceptable in terms of siting and appearance.
- 5.26 Concerns have been raised in respect of the scope of the publicity undertaken for the application, in particular in relation to future occupants of properties being constructed to the north of the site. The Council has however advertised the application in accordance with relevant legislative requirements and it is considered that the level of publicity undertaken was sufficient.
- 5.27 A number of representations received state that alternative sites should be considered. The matter to be considered by this application is whether the prior approval of the LPA is required and should be granted for the siting and appearance of the monopole proposed in this location, rather than suggesting alternative sites. The LPA consider that the applicant has reasonably explored

other options for the location of the development and it is not for the LPA to suggest and determine the acceptability of the proposed development in alternative locations.

## 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 The proposed scheme 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, MSGP23 and MSGP24 of the Local Plan for Gateshead.

6.3 It is therefore recommended that prior approval is required and approved.

## 7.0 Recommendation:

That Prior Approval is Required and APPROVED



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**Committee Report**

<b>Application No:</b>	<b>DC/21/00952/HHA</b>
<b>Case Officer</b>	<b>Gergo Gered</b>
<b>Date Application Valid</b>	<b>2 August 2021</b>
<b>Applicant</b>	<b>Mr Gary Haley</b>
<b>Site:</b>	<b>31 Foxhills Covert Fellside Park Whickham NE16 5TN</b>
<b>Ward:</b>	<b>Whickham South And Sunnyside</b>
<b>Proposal:</b>	<b>Replacement of original cement render and timber cladding with K-Rend thermal render across part of the north and east elevations of the house (as amended 25.08.21)</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Householder Application</b>

**1.0 The Application:****1.1 DESCRIPTION OF THE SITE**

The host property is a two-storey detached dwelling facing north-east on a corner plot neighbouring no.32 Foxhills Covert and backing onto no.30 to the rear. The host dwelling house faces properties at no.11 and no.12 Foxhills Covert.

**1.2 DESCRIPTION OF THE PROPOSAL**

Permission is sought for the replacement of original cement render and timber cladding with K-Rend thermal render across part of the north and east elevations of the house. The proposed rendering would have a light ivory colour shown on the submitted K-Rend colour chart.

**1.3 RELEVANT PLANNING HISTORY**

None

**2.0 Consultation Responses:**

None

**3.0 Representations:**

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

3.2 8 neighbouring properties have been notified of the application. No letter of objection or support has been received.

**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 Development

MSGP17 Residential Amenity

MSGP24 Design Quality

HAESPD Householder Alterations- Extensions SPD

## **5.0 Assessment of the Proposal:**

5.1 The key considerations to be taken into account when assessing this planning application are set out below:

### **5.2 IMPACT ON VISUAL AMENITY**

According to the Council's Householder Alterations and Extensions SPD, "Alterations to a property should be in character with the style of your house and the neighbourhood in general." Furthermore, the supplementary document states that "the original external appearance of a dwelling and its relationship with neighbouring buildings should be considered when repainting, re-rendering and re-pointing."

5.3 The proposal has been designed to reflect the host dwelling with matching details, materials and colour. The location of new render would be replacing existing cement render and timber cladding at the front and side of the host property and would not cover additional external surfaces. The proposed rendering would be visible from the street scene and would result in a sympathetically designed and modest alteration consistent with the established character of the area. The proposed rendering would have a light ivory colour which is similar to the existing colour of rendering on surrounding properties within the area.

5.4 It is considered that the timber cladding would be lost as a result of the development, however the original design of rendering on front and side facing elevations would remain. Therefore, the proposed alteration would not significantly change the character of the host dwelling house and therefore would not affect the overall design of the street scene.

- 5.5 It is considered that the proposed render would not have any negative impact on the street scene and that the scale and design of the development as a whole is appropriate to the host property and surrounding area.
- 5.6 It is considered that the scale and design of the development as a whole is appropriate to the host property and surrounding area. To ensure that the proposed development does not have an adverse effect upon the appearance of the existing building a condition relating to the proposed materials has been attached to the application. It is considered that the development is in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead
- 5.7 **IMPACT ON RESIDENTIAL AMENITY**  
Due to the nature of the proposed development along with the location of rendering the proposal would not have an unacceptable impact on the level of amenity experienced within the properties in the wider area.
- 5.8 It is considered that the proposed development would provide an acceptable standard of amenity for neighbouring and proposed occupiers, having regard to light, outlook and privacy. Therefore, it is considered that the proposal is in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

## **6.0 CONCLUSION**

- 6.1 Taking all the relevant planning policies into account along with all other material planning considerations, it is recommended that planning permission be granted, subject to conditions as set out below.

## **7.0 Recommendation:**

That planning permission be GRANTED subject to the following conditions and that the Service Director of Development, Transport and Public Protection 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-

Site Location Plan (1:1350)  
Existing and Proposed Elevations (1:100)

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 and shown on plans received 25.08.21.

Reason

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF, and policies CS14, CS15 and MSGP24 of the Local Plan for Gateshead.



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6<sup>th</sup> October 2021

**TITLE OF REPORT: First Homes Briefing**

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

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## **Purpose of the Report**

1. To inform Committee of the National Planning Policy Guidance (NPPG) requirements to deliver First Homes through the planning process from 28 June 2021. Reports have also be presented to Housing Portfolio and Environment and Transport Portfolio.

## **Background**

2. The Government have amended their planning advice relating to the requirements that new housing applications deliver affordable homes. This now includes a requirement that 25% of the affordable requirement must be First Homes.
3. First Homes are a specific kind of discounted market sale housing and meet the definition of “affordable housing” for planning purposes. In particular, First Homes are discounted market sale homes which:
  - a) Must be discounted by a minimum of 30% against the market value.
  - b) Are sold to a person or persons meeting the First Homes eligibility criteria (see below).
  - c) On their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer.
  - d) After the discount has been applied, the first sale must be at a price no higher than £250,000.

4. Under the eligibility criteria, a purchaser (or, if a joint purchase, all the purchasers) of a First Home should be a first-time buyer. Purchasers should have a combined annual household income not exceeding £80,000 and should have a mortgage or home purchase plan to fund a minimum of 50% of the discounted purchase price. These criteria also apply to all future sales of a First Home. It is expected that First Homes would be marketed directly to buyers by developers initially and that future sales would also be sold on the market by Estate Agents, although advertised as a First Home. Buyers will be required to provide evidence (to the Council at each subsequent sale) that they meet the criteria.
5. Local planning authorities are able to apply their own eligibility criteria in addition to that described above. This may involve lower income caps (if this can be justified with evidence of local average first-home buyer incomes), a local connection test, or criteria based on employment status. Authorities can also prioritise key workers, especially if there is an identified need for certain professions in the area.
6. Local planning authorities can require a higher minimum discount, lower price or income gaps for First Homes but this also needs to be based on local evidence. The most appropriate tools to do this might include (but may not be limited to) publication of an interim policy statement or updating relevant local plan policies.
7. Proposed developments for 100% affordable homes, such as discounted rent will be exempt from having to deliver First Homes.
8. Like other affordable homes, First Homes should be indistinguishable from other types of homes in a development.

### **How First Homes would apply in Gateshead**

9. Policy CS11 of the Core Strategy and Urban Core Plan (CSUCP) requires provision of 15% affordable homes on developments of 15 or more dwellings. The Council's preferred split of the 15% affordable housing is 65% subsidised rent and 35% subsidised home ownership. First Homes would fall under the definition of subsidised home ownership (and would also be subject to viability like other forms of affordable housing). First Homes should account for at least 25% of all affordable homes delivered by developers through planning obligations (Section 106 Agreements) once planning permission has been granted. An example of how this would apply in Gateshead as follows:
  - If a development proposes 200 homes, 30 of these (15%) would need to be affordable in accordance with policy CS11.
  - Of the 30 affordable homes, 25% of these should be First Homes. This would equate to 8 homes (rounded up) and would also leave a

remaining 10% (3 homes) for other types of affordable home ownership, such as shared ownership.

- 65% of the affordable homes (19 homes) would remain for subsidised rent.

<b>Type of affordable housing</b>	<b>Amount</b>
First Homes	8 homes
Other affordable home ownership	3 homes
Subsidised rent	19 homes

10. The split of the different types and numbers of affordable homes will be set out in the Section 106 Agreement for the site and will become a registered land charge against the properties in the development.
11. During the initial sale of a First Home, the developer will commission a RICS Registered Surveyor for a valuation which will be shared with the Council as part of the Section 106 Agreement. Any further valuation will be undertaken by the lender as part of the buyer's mortgage application.
12. In a re-sale, the First Homes homeowner will need to commission an independent valuation from a RICS registered surveyor. This would need to be submitted to the Council as Local Planning Authority for confirmation that the sale complies with the criteria set out in the Section 106 Agreement.
13. To ensure that resale value does not increase to the point the home was not affordable to eligible persons at future re-sale, the national income caps will be monitored and adjusted as needed to respond to changes in the housing market. The Council can apply updates if there are any locally set income caps.
14. In higher value areas of the Borough, the initial discounted price of the home will not be able to exceed the £250,000 cap regardless of the market value before the discount was applied. This may therefore require the developer to offer the home at a deeper discount to remain within the cap.
15. For example, the national 30% minimum discount applies and there is no deeper discount applied as a matter of local policy:
  - Home A and Home B are both designated for sale as First Homes.
  - Home A is independently valued at £300,000. It will be sold as a First Home as a price equal to 70% of the open market price.  
 $70\% \times £300,000 = £210,000$ . This is within the price cap.
  - Home B is independently valued at £400,000.  
 However,  $70\% \times £400,000 = £280,000$ , which exceeds the £250,000 price cap. The price of Home B is therefore capped at £250,000, which results in an effective discount of 37.5%.

## Conclusion

16. This guidance on First Homes is unlikely to increase or decrease the amount of affordable housing provided in the Borough and would not conflict with the proportions of different tenures sought in the CSUCP. However, it will introduce a new type of product within the subsidised home ownership tenure and set a greater discount than existing Discounted Market Sale (DMS) (30% as opposed to 20%). First Homes, therefore, may reduce the amounts of DMS or shared ownership homes provided.
  
17. There will be an increase in the resources required to facilitate and monitor the initial and subsequent sales of First Homes. However, there is provision for the Council to charge monitoring fees associated with Section 106 Agreements.

## Recommendation

It is recommended that the Committee note the report

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Contact: Emma Lucas Ext: 3747

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**1. FINANCIAL IMPLICATIONS**

2. There will be an increase in the resources required to facilitate and monitor the initial and subsequent sales of First Homes. However, there is provision for the Council to charge monitoring fees associated with Section 106 Agreements

**3. RISK MANAGEMENT IMPLICATIONS**

Nil

**4. HUMAN RESOURCES IMPLICATIONS**

Nil

**5. EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**6. CRIME AND DISORDER IMPLICATIONS**

Nil

**7. SUSTAINABILITY IMPLICATIONS**

Nil

**8. HUMAN RIGHTS IMPLICATIONS**

Nil

**9. WARD IMPLICATIONS**

All wards

**BACKGROUND INFORMATION**

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**TITLE OF REPORT: Enforcement Team Activity**

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

**Purpose of the Report**

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

**Background**

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

**Recommendations**

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

Within the date range commencing 25.08.21 and ending 22.09.21 the enforcement team has received **129** new service requests. Officer are currently being redeployed at present to enforce Covid legislation.

Type of complaint	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
<b>PLANNING</b>	81	19	72	0
<b>HIGHWAYS</b>	28	9	41	0
<b>WASTE</b>	20	7	27	46
<b>TOTALS</b>	129	35	140	46

**COURT HEARINGS**

The Enforcement Team attended no Court Hearings





**REPORT TO PLANNING AND  
DEVELOPMENT COMMITTEE**  
6th October 2021

**TITLE OF REPORT:** Enforcement Action

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

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**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 <sup>th</sup> 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	<p>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.</p> <p>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</p>	11 January 2016	12 January 2016	15 February 2016	<p>14 March and 4 July 2016</p> <p>29<sup>th</sup> Sep 2018</p>	<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 26<sup>th</sup> April 2019 at Gateshead Magistrates Court.</p> <p>The court date has been re issued for the 10<sup>th</sup> 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 24<sup>th</sup> 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 29<sup>th</sup> 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 24<sup>th</sup> September 2019</p> <p>On the 20<sup>th</sup> 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 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	28 <sup>th</sup> 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 20<sup>th</sup> 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 <sup>nd</sup> May 2019	24 <sup>th</sup> May 2019	28 <sup>th</sup> June 2019	28 <sup>th</sup> 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 4<sup>th</sup> 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 <sup>nd</sup> May 2019	24 <sup>th</sup> May 2019	28 <sup>th</sup> June 2019	28 <sup>th</sup> 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 <sup>th</sup> July 2019	25 <sup>th</sup> July 2019	22 <sup>nd</sup> August 2019	03 <sup>rd</sup> 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 1<sup>st</sup> 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 <sup>th</sup> February 2020	10 <sup>th</sup> February 2020	13 <sup>th</sup> March 2020	13 <sup>th</sup> 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>
9.	Dynamix Albany Road Gateshead	Bridges	Unauthorised change of use	13 <sup>th</sup> October 2020	13 <sup>th</sup> October 2020	17 <sup>th</sup> November 2020	18 <sup>th</sup> 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>

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
10.	Former Co-op Kibblesworth, Gateshead NE11 0XL (Land at the north side of Front Street, Kibblesworth)	Lamesley	Untidy Land	3 <sup>rd</sup> February 2021	3 <sup>rd</sup> February 2021	8 <sup>th</sup> March 2021	31 <sup>st</sup> 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 <sup>th</sup> August 2021	27 <sup>th</sup> August 2021	27 <sup>th</sup> September 2021	27 <sup>th</sup> November 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>



**REPORT TO PLANNING AND  
DEVELOPMENT COMMITTEE  
6 October 2021**

**TITLE OF REPORT:** Planning Appeals

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

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**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 **two** new appeal decisions received since the last Committee:

DC/21/00373/FUL - Sandygate Cottage, St Cuthberts Road, Marley Hill, Whickham  
Proposed demolition of existing single storey garage, erection of replacement garage  
and associated engineering operations.

This was a committee decision refused on 17 June 2021

Appeal dismissed 9 September 2021

DC/21/00457/HHA - 28 Whitehill, Leam Lane Estate, Felling  
Proposed boundary fence

This was a delegated decision refused on 16 June 2021

Appeal dismissed 20 August 2021

**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

<b>Planning Application No</b>	<b>Appeal Site (Ward)</b>	<b>Subject</b>	<b>Appeal Type</b>	<b>Appeal Status</b>
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/20/00898/ADV	Dutton Court Chainbridge Road Blaydon On Tyne	Upgrade of 2 no. existing 48 sheet adverts with "D-Posters" to display digital and illuminated advertisements.	Written	Appeal in Progress
DC/21/00122/ADV	Site Adjacent Unit 1, Blaydon Industrial Park, Chainbridge Road, Blaydon On Tyne	Replacement of two freestanding 48 sheet backlight panels and display of two digital 48 sheet LED screens on a monopole.	Written	Appeal in Progress
DC/21/00131/ADV	207-209 Old Durham Road, Gateshead	Replacement of existing, single sided 48 sheet advert panel to double sided digital billboard display	Written	Appeal in Progress
DC/21/00373/FUL	<b>Sandygate Cottage St Cuthberts Road Marley Hill Whickham</b>	<b>Proposed demolition of existing single storey garage, erection of replacement garage and associated engineering operations.</b>	Written	<b>Appeal dismissed</b>
DC/21/00457/HHA	<b>28 Whitehill Leam Lane Estate Felling</b>	<b>Proposed boundary fence</b>	Written	<b>Appeal dismissed</b>



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## Appeal Decision

Site visit made on 10 August 2021

**by Alison Scott BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 August 2021**

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**Appeal Ref: APP/H4505/D/21/3277492**

**28 Whitehill, Leam Lane Estate Felling NE10 8NQ**

- 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 Ian Williams against the decision of Gateshead Council.
  - The application Ref DC/21/00457/HHA, dated 4 April 2021, was refused by notice dated 16 June 2021.
  - The development proposed is To erect a wooden boundary fence on top of the existing brick boundary wall. The purpose of the boundary fence is to provide privacy in my garden which is the main garden area of my property which is a corner plot and overlooked by all other residents of the access road and Cul-de-sac in Whitehill. It is to provide added security to my home as access can easily be gained to my garden, back door and rear of my premises. It will also provided (*sic*) safety for my child, partner and family pet as access to the surrounding roads is easily obtained due to the current low boundary wall. It will also provide safety for any further children I may have.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Since the time the appeal was submitted, the revised National Planning Policy Framework (the Framework) has been published in July 2021. My decision is made in the context of the revised Framework.

### Main Issues

3. The main issues of the proposal are its effect on:
  - The character and appearance of the street scene; and
  - Highway and pedestrian safety.

### Reasons

#### *Character and appearance*

4. The appeal property occupies a corner position within a cul-de-sac of other similar house types. The appeal site has a broader frontage than the others within the immediate street scene due to the side garden.
5. Low brick boundary walls are a unifying feature of the area with a broad combination of infill timber fences or hedges. Whilst there is no one consistent height seen locally, given the majority of the proposed enclosure at a height of approximately 1m 83cm, would appear uncharacteristically tall and visually exposed in this location with no relief from the solid mass of timber

- construction. Its obtrusiveness would be further pronounced due to its prominent position on a corner.
6. It would not be a sympathetic addition to the street scene and would detrimentally harm the character and appearance of the local area.
  7. I appreciate the intentions of the appellant to secure the site and to make it as safe and private as possible for their family and pets, however, that is not to say that this could not be achieved by other means.
  8. Therefore, to conclude, the proposal would harm the character and appearance of the street scene contrary to Policies CS14 and CS15 of the Core Strategy and Urban Core Plan (CSAUCP) and Policy MSGP24 of Making Spaces for Growing Places 2021, and the Householder Alterations and Extensions Supplementary Planning Document in their combined design aims. In addition, the proposal would conflict with the Framework in its objectives to achieve well-designed places.

#### *Pedestrian and highway safety*

9. There is an existing vehicular gate adjacent to Number 29 Whitehill with hardstanding within the curtilage of the site. There is no internal space illustrated to turn a car around within the site, and therefore drivers would be likely to reverse onto the road.
10. Even if drivers were to exit the site in a forward gear, the height of the fence here would severely impair driver visibility. As there is a footpath outside the appeal site, this encourages pedestrians to use the footway. They would be at risk of reduced visibility as a consequence its height. It is not a through road, and any double parking that might occur within the cul-de-sac may consequentially reduce speeds, nevertheless, I find conflict would occur between vehicles and pedestrians.
11. To conclude on this main issue, the proposal would lead to a detrimental impact upon highway and pedestrian safety as a result of reduced driver and pedestrian visibility, contrary to the CSAUCP 2015 Policy CS13 and Making Spaces for Growing Places 2021 policy MSGP15 and the Householder Alterations and Extensions Supplementary Planning Document in their combined highway safety aims. Finally, the proposal would conflict with the Framework in its aims to minimise conflict between pedestrians and vehicles.

#### **Other Matters**

12. Any complaints raised regarding the Council's service should be referred to them in the first instance and is not within my scope to comment.

#### **Conclusion**

13. As I have found the proposal to negatively impact upon the character and appearance of the street scene and lead to highway and pedestrian safety concerns, this is in conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

*Alison Scott*

INSPECTOR



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## Appeal Decision

Site visit made on 24 August 2021

**by A Caines BSc(Hons) MSc TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9<sup>th</sup> September 2021

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### **Appeal Ref: APP/H4505/W/21/3278511**

### **Sandygate Cottage, St Cuthberts Road, Marley Hill, Whickham NE16 5EB**

- 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 Neils Trinder against the decision of Gateshead Council.
  - The application Ref DC/21/00373/FUL, dated 19 March 2021, was refused by notice dated 17 June 2021.
  - The development proposed is demolition of existing single storey garage. Construction of replacement garage on same footprint.
- 

### **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. On 20 July 2021, the Government published a revised National Planning Policy Framework (the Framework). Other than a change to the relevant paragraph numbers, the revised Framework does not materially alter the national policy approach in respect of the main issues raised in this appeal and therefore the main parties have not been prejudiced by its publication.

### **Main Issues**

3. The main issues are:
  - Whether the proposal amounts to inappropriate development in the Green Belt;
  - The effect of the development on the openness of the Green Belt;
  - Whether the development would preserve or enhance the character or appearance of the Marley Hill Conservation Area; and
  - If the proposal is inappropriate development, whether harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

### **Reasons**

#### *Inappropriateness*

4. The appeal site is located within the Green Belt. Whilst I have noted the appellants' comments regarding the relationship of the site to the settlement limit of Marley Hill, the evidence before me indicates that the whole of the

settlement is 'washed over' by Green Belt and therefore it is not a matter which is determinative in this appeal.

5. Policy CS19 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010 – 2030 (2015) (the CS) seeks to protect the Tyne and Wear Green Belt in accordance with national policy (the Framework).
6. Paragraph 149 of the Framework states that the construction of new buildings, other than in connection with a limited number of specific exceptions, should be regarded as inappropriate in the Green Belt. My attention has been drawn to the exceptions in sub-paragraph d) for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and g) concerning the partial or complete redevelopment of previously developed land, as long as this would not have a greater impact on the openness of the Green Belt than the existing development. There would also be some engineering works, but these would be integral to the construction of the proposed building so do not fall to be considered separately.
7. The proposal is for a replacement garage. There is no dispute that the replacement building would be in the same use as the existing. The appellant also states that it would have the same built footprint and eaves height. Nonetheless, the overall height would be markedly greater as a result of a steeper pitched roof. The drawings also indicate that the rear elevation would have a greater vertical extent due to the split level design. As such, the proposed building would undoubtedly be materially larger than the one it would replace. Consequently, the exception under sub-paragraph d) of Framework paragraph 149 does not apply in this case.
8. In terms of sub-paragraph g), there is no disagreement between the parties that the appeal site constitutes previously developed land. My conclusion on the next issue below will therefore determine whether the proposal is inappropriate in the Green Belt.

### *Openness*

9. Paragraph 137 of the Framework identifies the essential characteristics of the Green Belt as being its openness and permanence. Openness has generally been held to be the absence of development and it has both a spatial and visual aspect.
10. The appeal site lies on the opposite side of the lane to Sandygate Cottage where I note that planning permission has previously been granted for a replacement garage of the same footprint, but lower height<sup>1</sup>. There is also evidence that the site may have historically been used in association with allotment gardens. However, the only building currently on the site is the existing garage, which is a single storey building constructed of painted blockwork with a very shallow-lying bitumen felt roof. The building sits upon a raised area surrounded by open land to the south.
11. Although the proposed replacement garage would be constructed on the same footprint, it would, through its steeper pitched roof and split level design, be of a greater height and overall size than the existing building it would replace. It would therefore inevitably have a greater impact on the openness of the Green Belt in spatial terms. Similarly, the height and overall size of the roof

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<sup>1</sup> LPA ref:DC/13/0184/HHA

would result in the proposed garage being more visually prominent than the existing building. It would therefore also have a greater impact on the openness of the Green Belt in visual terms, albeit the use of appropriate materials would serve to ensure that this would be limited. As a consequence, the proposal would result in this part of the Green Belt being less open than it is at present, both spatially and visually.

12. With respect to the purposes of the Green Belt, there would be no encroachment into the countryside as the proposal would occupy the same footprint as the existing garage. Nor would it represent sprawl or urbanisation and I find no conflict with the purposes of Green Belt.
13. Nevertheless, while acknowledging the site's previously developed status, the proposal would have a greater impact on the openness of the Green Belt than the existing development. Thus, the exception at sub-paragraph g) of Framework paragraph 149 is not met.
14. I therefore find that the proposal would be inappropriate development in the Green Belt, which paragraph 147 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, for the reasons set out above, there would be harm to the openness of the Green Belt, which would be at odds with the fundamental aim of Green Belt policy. As a result, the proposal conflicts with the Framework, and Policy CS19 of the CS insofar as it seeks to protect the Green Belt in line with national policy.

#### *Marley Hill Conservation Area (MHCA)*

15. The appeal site lies within the MHCA, which from the information before me, derives some of its significance from its character as a model Durham pit village and the relationship with the rural surroundings. Sandygate Farm was one of the first set of buildings within the settlement, but the stone and slate vernacular buildings have since been much altered and new housing development has taken place around it. The land to the south was part of the former colliery, but is now part of the undeveloped rural fringe setting of the village which is important to its character.
16. In determining this appeal I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the MHCA, a designated heritage asset.
17. Owing to its form and materials, the existing garage does not contribute positively to the MHCA. Accordingly, its removal would not harm the significance of the MHCA.
18. The proposed replacement garage would be constructed in stone and slate. Apart from the rear elevation, the design would be of a simple domestic appearance, similar to the previously approved garage. Although it would be taller than both the existing and previously approved buildings, I am satisfied that its scale would be subservient to the houses it would be seen in context with.
19. This notwithstanding, the rear elevation would appear disproportionate in design terms due to the greater vertical emphasis of the wall and the height of the rear access door. Moreover, as a result of its proportions, and the size and design of the rear access door, the rear elevation would have a utilitarian

- appearance more akin to a commercial workshop, which would appear incongruous. In this regard, the design of the proposed building would not be entirely sympathetic to its context. This would be harmful. The use of appropriate materials would diminish but not extinguish the harm.
20. I acknowledge that public views of the rear elevation from the south and east would be brief. Nonetheless, the requirement for development proposals to preserve or enhance the character or appearance of the MHCA applies with equal force whether or not the proposal is prominent. Furthermore, even though the existing building is out of keeping, this is not justification, on its own, for further unacceptable development.
21. Overall, whilst the removal of the existing garage would be positive, I find that due to the design of the rear elevation, the proposal would have an adverse visual effect when viewed from the south and east. This would cause moderate harm to the significance of the MHCA. Accordingly, the proposal would not preserve or enhance the character or appearance of this part of the MHCA. The proposal also conflicts with Part 2 of Policy CS15 of the CS, which requires the historic environment to be safeguarded; and with criteria 1e) of Policy MSGP25 of Gateshead's Local Plan Document (2021), which seeks to ensure that additions to heritage assets are, among other things, appropriate in architectural detailing and do not harm the significance of the heritage asset.
22. In accordance with paragraph 199 of the Framework, great weight should be given to a designated heritage asset's conservation. In terms of countervailing public benefits, the proposal would remove the existing garage from the site. However, any visual benefits that its removal might bring would be diminished by the effects of the proposed building.
23. The harm to the MHCA would be less than substantial within the meaning of the Framework, but that is nevertheless a matter of considerable importance and weight. The public benefits identified do not outweigh that harm.

*Other considerations*

24. The appellant claims that the visual impact of the previously approved garage would have been similar due to the need for foundations. However, irrespective of the construction practicalities, an extended rear elevation was not authorised on the approved plans, nor was there a large door in the rear elevation. In any case, I am informed that the planning permission has lapsed. The appellant also contends that if the existing garage is retained, it would require underpinning resulting in the same level of excavations and up to 2.5m of additional wall to the rear. However, I have no substantive evidence to indicate that there is a significant probability of such works taking place, and whether or not they have or require planning permission. I therefore attach limited weight to these matters.
25. A number of housing developments in the vicinity that were approved by the Council, including at Sandygate Cottage, have been highlighted. However, the full details of those schemes are not before me. In any case, they are patently of a different nature to the appeal proposal so have limited bearing on the outcome of this appeal. I have necessarily come to my own view on this specific proposal rather than relying on the approach the Council may have taken elsewhere.

26. Although support from the local community is acknowledged, a letter of support or lack of objection in and of itself does not make the proposal acceptable. Any issues raised have been considered under this appeal insofar as they are material to the decision.
27. The appellant's complaints about the way the Council allegedly handled the application and its decision taking are noted. However, that is not a matter for me to comment on as part of this appeal and does not alter my consideration of the planning merits of this case.

*Green Belt balance*

28. The proposal would be inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. It would also result in a small loss of Green Belt openness. Paragraph 148 of the Framework states that substantial weight is to be given to any harm to the Green Belt. Harm to the character and appearance of the MHCA also weighs significantly against the proposal. As set out in Framework paragraph 148, very special circumstances will not exist unless the harm to the Green Belt, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
29. On analysis of all the above, the harm by reason of inappropriateness, and the other areas of harm I have found, is not clearly outweighed by other considerations. Consequently, the very special circumstances necessary to justify the proposal do not exist.

**Conclusion**

30. Although removal of the existing garage would be acceptable, the proposal would not accord with the development plan or Framework when read as a whole and there are no other considerations that outweigh this conflict.
31. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

*A Caines*

INSPECTOR

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**REPORT TO PLANNING AND DEVELOPMENT COMMITTEE**

**6 October 2021**

**TITLE OF REPORT: Planning Obligations**

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

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**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 6 October 2021.

**Recommendations**

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

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Contact: Emma Lucas Ext: 3747

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**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