

## ***PLANNING AND DEVELOPMENT COMMITTEE AGENDA***

**Wednesday, 21 December 2022 at 10.00 am in the Bridges Room - Civic Centre**

---

From the Chief Executive, Sheena Ramsey

---

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 23 November 2022 (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 (Pages 3 - 4)</b>  Report of the Service Director, Climate Change, Compliance, Planning & Transport
<b>4i</b>	<b>No.1 - Land bounded by Hyde Park Street, Brighton Road, Westminster Street, Dunsmuir Grove and Rectory Road, Gateshead NE8 4QH (Pages 5 - 40)</b>
<b>4ii</b>	<b>No. 2 - 108 Rawling Road, Gateshead NE8 4QR (Pages 41 - 46)</b>
<b>6</b>	<b>Enforcement Team Activity (Pages 47 - 48)</b>  Report of the Service Director, Climate Change, Compliance, Planning & Transport
<b>7</b>	<b>Enforcement Action (Pages 49 - 54)</b>  Report of the Strategic Director, Climate Change, Compliance, Planning & Transport
<b>8</b>	<b>Planning Appeals (Pages 55 - 64)</b>  Report of the Strategic Director, Climate Change, Compliance, Planning & Transport
<b>9</b>	<b>Planning Obligations (Pages 65 - 66)</b>  Report of the Strategic Director, Climate Change, Compliance, Planning & Transport

|



PLANNING AND DEVELOPMENT  
COMMITTEE  
**21 December 2022**

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

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

---

### **Purpose of the Report**

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

#### **PART ONE:**

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

#### **PART TWO: FOR INFORMATION ONLY**

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

### **Recommendations**

2. Recommendations are specified in the schedule.

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

This page is intentionally left blank

**Committee Report**

<b>Application No:</b>	<b>DC/22/01114/FUL</b>
<b>Case Officer</b>	<b>Joanne Munton</b>
<b>Date Application Valid</b>	<b>3 October 2022</b>
<b>Applicant</b>	<b>Mr Paul Hacking</b>
<b>Site:</b>	<b>Land Bounded By Hyde Park Street, Brighton Road Westminster Street, Dunsmuir Grove, And Rectory Road Gateshead NE8 4QH</b>
<b>Ward:</b>	<b>Saltwell</b>
<b>Proposal:</b>	<b>Development of 62no. residential units consisting of 20no. 5-bedroom dwellings (Plots 1-20), 19no. 2-bedroom and 23no. 3-bedroom dwellings (plots 21-62) (amended plans received 27.10.22, 07.11.2022, 25.11.2022, 05.12.2022 and 06.12.2022, and additional information received 07.11.2022, 17.11.2022, and 05.12.2022)</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:****1.1 BACKGROUND AND DESCRIPTION OF SITE**

The application site comprises 5 parcels of land between Rectory Road to the east and Brighton Road to the west. The land is mainly divided by the existing road/highway in place. There are two larger parcels of land: a northern section between Hyde Park Street to the north and Westminster Street to the south, and a central section between Westminster Street to the north and Dunsmuir Grove to the south. Three smaller parcels of land are located on the southern side of Dunsmuir Grove and separated by the junction leading south into Fern Dene Road and land housing an existing sub-station.

1.2 The site previously contained terraced housing (Tyneside flats), with some integrated small shops and a Community Centre and area of open space at the south east corner, with a sub-station between these latter two, which remains existing and is not within the red line boundary of this current application.

1.3 Planning permission DC/13/00424/OUT granted the demolition of the buildings previously on site and temporary site restoration, alongside outline approval for residential development, as the third and easternmost part of a wider redevelopment consent that also included land to the west of Saltwell Road (Phase 1 - full permission granted for 103 dwellings) and a central site at Kelvin Grove (Phase 2).

- 1.4 The Environmental Statement submitted with this previous 2013 application confirmed that there would be demolition of 147 properties at this easternmost Phase 3 site. The demolished buildings were traditionally constructed in red brick with slate roofs and stone surrounds to doors and windows.
- 1.5 This current application site was also part of planning permission DC/14/00906/FUL, a further hybrid scheme, which again granted outline consent for residential development at the site. Whilst there were no indicative plans for the outline application, the applicant expressed an intention at the time to provide 158 new dwellings across Phases 2 and 3.
- 1.6 Conditions 4 of permission DC/14/00906/FUL required that application(s) for the approval of reserved matters pursuant to the outline consent granted for Phases 2 and 3 needed to be made by 24 November 2017.
- 1.7 DC/17/00172/REM subsequently granted the development of the central Phase 2 site at Kelvin Grove for 52 dwellings. However, no such valid application for the approval of reserved matters in relation to Phase 3 was made in time. As such, this current application, whilst framed in the context of previously approved hybrid schemes, is a wholly separate application for full planning permission.
- 1.8 The site is allocated for housing under Local Plan policy MSGP9.
- 1.9 The site at present is in a restored state following the previous demolition, and the parcels of land are fairly overgrown/vegetated. The land in general slopes steeply downwards from east to west with an approximately 10m fall along the 120m width of this site (a 1 in 12 gradient).
- 1.10 DESCRIPTION OF APPLICATION  
The application proposes the redevelopment of the site to provide 62 dwellinghouses. The properties would be laid out to follow existing streets running east to west down the hill and north to south along Rectory Road at the eastern end.
- 1.11 At the northern portion between Hyde Park Street and Westminster Street there would be 20no. link detached dwellings (joined by a single storey side element set back behind the driveway) with 3 storeys and 5 bedrooms each. The submission notes that these 20no. larger homes have been designed with the needs of the Jewish community in mind.
- 1.12 At the central and southern sections there would be 42no. predominantly terraced dwellings, with 2 storeys and a mix of 2 and 3 bedrooms. The overall housing mix would be as follows:
- 20no. House Type A - 5 Bedroom, 8 Person
  - 5no. House Type B - 3 Bedroom, 4 Person
  - 19no House Type C - 2 Bedroom, 4 Person
  - 18no. House Type D - 3 Bedroom, 5 Person

1.13 The materials proposed in the application are:

Walls - Main red brick with buff feature brick,  
Feature cladding - Equitone Natura Charcoal N073  
Roof Tiles - Russell Grampian, Anthracite  
Windows - UPVC, Anthracite  
Main entrance door - Oak colour composite  
Rainwater goods - Black

1.14 The proposal is for 100% affordable homes. The 42no. units at the central and southern parts of the site would be affordable rent through an affordable housing provider. The 20no. larger homes in the northern section would be provided by a housing association, with a mix of 12 right to buy, 6 shared ownership and 2 affordable rented units.

1.15 Off street parking is proposed for the 20no. larger dwellings at the northern section, and on street parking is proposed for the remainder of the site.

1.16 RELEVANT PLANNING HISTORY

1.17 DC/13/00424/OUT

Retrospective demolition of 115 dwellings, 3 retail units, and 14 garages with temporary site restoration in Phase 1 (known as Saltwell Road West) and proposed phased demolition of a further 291 dwellings and 4 commercial premises with temporary site restoration across Phases 2 (known as Kelvin Grove) and 3 (known as Hyde Park); with a hybrid application for redevelopment of all three phases for housing, with associated car parking and landscaping, consisting of 103 dwelling houses in Phase 1 (Saltwell Road West) and outline consent (with all matters reserved) for residential development across Phases 2 (Kelvin Grove) and 3 (Hyde Park), additional information received 12.06.13, 17.06.13 and 24.07.13 and amended plans received 18.07.13 and 23.07.13.

- Granted 24.09.2013

1.18 DC/14/00906/FUL

Hybrid application for redevelopment of three phases for housing, with associated car parking and landscaping, consisting of detailed consent for 99 dwellinghouses, site compound and temporary sales cabin in Phase 1 (Saltwell Road West - land bounded by Trevethick St, Macadam St, East Coast Rail Line, Saltwell Rd and rear of nos 162-220 (inc) Saltwell Rd) and outline consent (with all matters reserved) for residential development across Phase 2 (Kelvin Grove - land bounded by Westminster St, Kelvin Gr, rear of 167-201 (inc) Rawling Rd, rear of Stirling House PH and rear of 170-194, Church of Christ Rawling Rd and to the side 68-70 Dunsmuir Grove) and Phase 3 (Hyde Park - land bounded by Hyde Park Street, Rectory Rd, rear of nos 128-150 Dunsmuir Gr, rear of sub-station and Brighton Road) (additional info received 13/10/14, 29/10/14, 31/10/14, 03/11/14 and 06/11/14 and amended 29/10/14, 03/11/14, 04/11/14 and 17/11/14).

- Granted 24.11.2014

- 1.19 DC/17/00172/REM  
Approval of Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) pursuant to permission ref: DC/14/00906/FUL for Trilogy Phase 2 (Kelvin Grove - land bounded by Westminster St, Kelvin Grove, rear of 167-201 (inc Rawling Road, rear of Stirling House PH and rear of 170 - 194, Church of Christ, Rawling Road and to the side of 68-70 Dunsmuir Grove) (Amended 29.08.2017, includes amendments to the service parking area for the substation)  
- Granted 05.10.2017
- 1.20 DC/19/00765/FUL  
VARIATION OF CONDITION 1 of permission DC/17/00172/REM (Approved Plans) to link road running through from Kelvin Grove to Westminster Street and replacement with adoptable footpath (amended 13/09/19 and 24/10/19).  
- Granted 29.11.2019
- 1.21 DC/21/00814/NMA  
Proposed non-material amendment of application DC/19/00765/FUL to allow existing Tree on Dunsmuir Grove to be removed and two replacement trees proposed within the front gardens of Plots 37 and 38, next to the adopted footpath link through the site.  
- Pending

## 2.0 Consultation Responses:

Tyne And Wear Archaeology Officer	No work required
Coal Authority	No objection
Northumbrian Water	Condition recommended
Tyne And Wear Fire And Rescue Service	No objection
Northern Gas Networks	No objection

## 3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.
- 3.2 6 letters of objection have been received, raising concerns regarding the following:
- The area is already over populated, the development is not needed and site should be put to better use.
  - Overdevelopment



- Loss of park area on Rectory Road.
- Existing parking issues with capacity, and the proposal would result in increased traffic and parking demand, which could lead to more parking on side streets and subsequent increase in vandalism of cars. Suggestion to introduce parking permits.
- Additional noise, including impact of construction phase in terms of disturbance early mornings/late evenings and dust and dirt on roads.
- Loss of quality of life and impact on mental health for existing residents.
- Loss of view.

3.3 13 letters of support have also been received, making comments regarding the following:

- Bringing derelict land back into use and time for the site to be used to the advantage of the local community
- Demand for 5 bedroom houses/proposed type of property in the area
- Provision of suitable affordable and family housing in the area
- Modern, well designed and efficient homes built to a high standard, and positive views of a developed site
- Important location for Jewish community near local amenities and transport links
- Proposal would encourage inward migration resulting in a more vibrant, self-sufficient and robust community
- Benefits to economy of area
- Valuing and respecting the environment and its inhabitants
- Improved wellbeing
- Site is currently overgrown and unpleasant, and it would be good to see the site redeveloped
- Off street parking provision at some dwellings and ample green space

#### **4.0 Policies:**

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

MSGP8 Digital Infrastructure

MSGP10 Accessible and Adaptable Dwellings

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP29 Flood Risk Management

MSGP30 Water Quality/River Environments

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP40 Provide/Enhance Open Space/Sport/Rec

MSGP48 Waste Management Facilities – New Development

GPGSPD Gateshead Placemaking Guide SPG

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

- 5.1 The key considerations to be taken into account when assessing this planning application are housing policy, visual amenity/design, residential amenity, highway safety and parking, waste management, ecology, flood risk/drainage, ground conditions, sustainability and digital infrastructure.
- 5.2 **HOUSING POLICY**  
The site is allocated for housing under Local Plan policy MSGP9.
- 5.3 The latest results of the Housing Delivery Test (HDT) show that 87% of homes required are being delivered in the Borough. The proposed

development would provide additional dwellings in the borough, which would be a positive factor.

- 5.4 Policy MSGP10 sets out that on housing developments of 15 or more dwellings, 25% of dwellings will be constructed to meet the Building Regulation M4(2) Category 2: Accessible and Adaptable Dwellings standard or equivalent successor standards. This would mean that at least 16 out of a total of 62 homes would need to meet this standard, and it is recommended that a condition be imposed requiring this.
- 5.5 Policy CS11 requires adequate space inside and outside the home to meet the needs of residents and policy MSGP12 sets out that new homes should be built in accordance with the Nationally Described Space Standards (NDSS). The applicant has confirmed in the application that all dwellings proposed would comply with the NDSS.
- 5.6 Policy CS11 also requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). As the development is for affordable rented housing and homes provided by a housing association, and not private housing this policy would not apply. In any event, the proposal would provide 43 dwellings with three or more bedrooms (69%).
- 5.7 Policy CS11 requires 15% affordable homes on all developments of 15 or more dwellings subject to development viability. An affordable housing statement has been submitted with the application, which sets out that all dwellings are to be affordable homes, with a mix of 44 units for affordable rent, 12 right to buy, and 6 shared ownership. Therefore, the proposal would meet and exceed the requirements of CS11.
- 5.8 Based on the proposed number of dwellings, 10 dwellings would be required to be affordable homes under Local Plan policies. Through the Gateshead Regeneration Partnership, across its sites, a target of 25% affordable homes has been set and contractual arrangements are in place to require this level of provision, which is higher than could be secured through the planning system. The applicant has advised that their intention is for all 62 houses on this development to be affordable. Monitoring of the amount of affordable housing over the various GRP sites to date has shown that the 25% target is currently met overall, and this proposal would contribute to this target provision. As the provision of affordable housing on the site will be secured via the land sale contract and the Partnership's contractual arrangements, it is considered that the proposal can be deemed to comply with the requirements of CSUCP Policy CS11.
- 5.9 Further, in relation to the mix of affordable homes on site, National Planning Guidance states that First Homes should account for at least 25% of all affordable housing units delivered by developers through planning obligations. First Homes are defined as homes for first-time buyers at a discount of a minimum of 30% (subject to criteria). The Gateshead Planning Obligations

SPD also states that the Council's preference is for 65% subsidised rent and 35% subsidised home ownership.

- 5.10 This application proposes 100% affordable homes, with the proposed units in this case being a mix of the following types:

44no. Affordable rent (71%)  
12no. Right to buy (19%)  
6no. Shared ownership (10%)

- 5.11 Therefore, it would not comply with the national requirement to include 25% of affordable homes to be First Homes or the Council's preferred approach. However, it is recognised that the development is proposed to be managed through two registered providers and proposes 100% affordable homes on site, and it is considered that, on balance, the lack of compliance with national requirements to facilitate local demand and local authority preferred approach to affordable homes tenure split is outweighed in this case.

- 5.12 OPEN SPACE AND PLAY PROVISION

Previous outline permissions have approved the principle of the loss of areas of open space. The site is also within a ward (Saltwell) that is not deficient in open space, and the relevant accessibility standards are also met given the location of a nearby area of public open space. Therefore, there is no policy requirement for this development to provide public open space.

- 5.13 However, within the ward there is a deficiency of play space. MSGP40 requires the provision of play facilities to the equivalent of 0.07ha per 1,000 residents unless the relevant quantitative and accessibility standards are exceeded. In this case, there is a requirement for approximately 145sqm of play space when calculated using the play space standard.

- 5.14 Although there would be some parcels of amenity areas/verges across the site, the submitted plans do not propose dedicated play facilities to be accommodated on site. The existing available play space immediately west across Brighton Road is acknowledged and, on balance, it is considered that the lack of play provision in this case, coupled with the modest areas within the site that could be used for informal play, would not warrant a recommendation to the refuse the application.

- 5.15 VISUAL AMENITY/DESIGN

As above, the site is allocated for housing under policy MSGP9. Whilst this allocation estimates capacity of 49 units, it is considered that, this proposal for 62 units, would be laid out in an appropriate and logical way, and that each unit would have adequate space. Adequate parking would be provided that would at the same time not dominate the site, and it is considered that the proposal would not represent overdevelopment of the site. The proposed scheme is also at a significantly lower residential density than the properties that occupied the site, prior to the demolition taking place following the grant of DC/13/00424/OUT and DC/14/00906/FUL, as these were typically Tyneside flats.

- 5.16 The proposed house types would have a similar appearance to those at the Phase 2 site (Kelvin Grove) to the west. Feature plots at corners are proposed and these are considered to be acceptable and appropriate.
- 5.17 The houses would be constructed from a main red brick, with feature elements in buff brick. The units would also incorporate grey coloured cladding and UPVC windows, and black rainwater goods. The main roof would be pitched construction with anthracite grey roof tiles.
- 5.18 The use of dual aspect dwellings and prominent building frontages on corners and detached dwellings would create points of specific visual interest, contribute to a sense of place and act as waymarkers. The relevant prominent houses would enhance surveillance levels, design quality, and visual interest.
- 5.19 It is considered that the indicative materials proposed would be appropriate, and it is recommended that conditions be imposed requiring final details/specification of external materials to be submitted to the LPA for consideration, and implementation of the approved details. Additionally, it is recommended that conditions be imposed requiring final details of hard landscaping areas and soft landscaping, and implementation of the approved design.
- 5.20 Additionally, enclosure details have been submitted and these are considered to be appropriate in terms of their design in the context of the street scene. The topography of the land and changes to levels running east to west would result in retaining walls at property boundaries. For example, the western boundary at plot 21 would have a 0.9m retaining wall and then a 1.8m high brick wall with timber infill panels facing onto Brighton Road, and plots 9, 12, 33 and 38 would include retaining walls up to 1.9m high with the same 1.8m high boundary treatment on top facing north and south onto respective streets. The rear gardens at these plots are proposed to be terraced/stepped to account for level changes and, given the constraints of the site in particular, it is considered that the arrangement would not result in an unacceptable impact on visual amenities of the area.
- 5.21 Subject to conditions, the proposal would not result in an unacceptable impact on visual amenity and would comply with the aims and requirements of the NPPF and policies CS15 and MSGP24 of the Local Plan.
- 5.22 **RESIDENTIAL AMENITY**  
There are residential neighbours surrounding the site on the opposite side of each respective road, with the exception of the public open space to the west between Hyde Park Street and Westminster Street. It is also acknowledged that there were terraced dwellings on the site itself before these were demolished (more than double the amount of dwellings proposed in this application).
- 5.23 However, the site is currently vacant and the application proposes new development in this location. The applicant has submitted a plan showing

separation distances between existing and proposed properties, which shows that there would be at least 16m between main facing elevations of new dwellings on Westminster Street and Dunsmuir Grove. The higher density nature of the wider area is recognised, and it is considered that the distances between main facing elevations of proposed new dwellings would be acceptable.

- 5.24 Similarly, separation distances between main facing elevations of proposed and existing dwellings are shown on plans to be in excess of 15m, and most in excess of 16m. It is considered that the proposal represents a general improvement on the previous distances between dwellings before the terraces were demolished.
- 5.25 For example, whilst proposed unit 50 would be 15.4m away from the front elevation of 160 Brighton Road, records show that this was previously approximately 12m. Proposed dwellings on Rectory Road would be set back and achieve similar or greater separation distances compared to previously.
- 5.26 Rear elevations of properties proposed on the southern side of Dunsmuir Grove would be over 13m away from side elevations of the end of terraces on Brighton Road, Fern Dene Road and Rectory Road, and would not include offshoots, which records show reduced distances to 6m in some cases previously.
- 5.27 That said, at the top end of Dunsmuir Grove where this meets Rectory Road, there is an area of amenity space (to the east of the sub station) that records show has been present for a number of years (at least since 2008 and potentially earlier). This space is adjacent 226 and 228 Rectory Road and the proposal in this application would result in the rear of unit 61 and the side of unit 62 (both including habitable room windows and ground and first floor) being approximately 13m away from the side elevation of these existing dwellings. However, it is understood that the main northern/side elevation of the existing building only contains one small window. The offshoot associated with these neighbouring dwellings contains more windows, but is set further back from the northern/side boundary. As such, it is considered that the proposal would not result in an unacceptable impact on residential amenity at these properties.
- 5.28 The dwellings in the central and southern sections of the application site are proposed to be 2 storeys (8.3m) high, which is a typical height for this type of property. The 20no. Type A houses at the northern part of the site, are proposed to have 3 storeys and be 10m high to the ridge.
- 5.29 Submitted plans indicate that main elevations facing existing properties on Rectory Road and Hyde Park Street would be more than 16 away. Records show that these would be similar separation distances to the previous arrangement before properties in this block were demolished. Additionally, the proposal would have a lower density, and whilst linked at ground floor, Type A houses on the streets would have gaps between buildings above ground floor level, allowing for space between the main built form, and the single storey

side elements would be set back behind driveways 23m across the street from existing properties opposite.

- 5.30 Further to this, the higher Type A housing would be located directly to the south of existing properties on Hyde Park Street. The applicant has provided analysis of daylight/overshadowing with the application, and since this analysis, amended plans have been submitted to show proposed units on Hyde Park Street to be set back from the road by a further metre.
- 5.31 As context DC/17/00172/REM at the Phase 2 (Kelvin Grove) site granted separation distances of 15m between existing properties and proposed new two storey dwellings at 8.2m and 8.4m high.
- 5.32 Based on the details submitted, officers are satisfied that the proposal would not result in an unacceptable loss of privacy, loss of light, loss of outlook, overshadowing or overbearing impact at existing neighbouring properties.
- 5.33 In terms of accommodating future occupiers at the application site, it is also recognised that this site is subject to significant level changes. Proposed longsections for each street have been submitted with the application. Retaining walls at residential garden boundaries would predominantly not be in excess of 1m high. The wall between gardens at units 61 and 62 would be 1.125m high, but in this location at the site this would be an exception, and properties further north would be facing onto Rectory Road instead, with terraced gardens to the rear.
- 5.34 Between the rear boundaries of units proposed on Rectory Road at the northern section of the site and the side boundaries of those immediately to the west, some retaining walls would be up to 2m high. Some retaining walls between gardens stepping down the hill at the northern section would also be over 1m high. It is acknowledged that terracing is proposed to change levels within the rear gardens of dwellings on Rectory Road, to reduce the impact of higher retaining walls at proposed properties immediately to the west (ie. stepping down the hill). Additionally, it is recognised that the density of housing would be lower in this part, and therefore gardens would be larger/wider and the level changes greater.
- 5.35 The proposed arrangement is subject to the constraints of the site and is similar to that at the Kelvin Grove ('Phase 2') site granted planning permission under DC/17/00172/REM. For example, one property facing east with a garden leading to the side of a plot with finished floor levels 2.25m lower. Further, it is noted that DC/17/00172/REM granted a similar arrangement of the rear elevations of properties facing east (at a higher level) looking out over rear gardens of properties at a lower level stepping down the street to the west. Particularly in light of the lower density and larger amounts of external space, it is considered that the level changes in this northern section would not result in an unacceptable impact on residential amenity at these plots.
- 5.36 Additionally, it is considered that each plot would provide adequate internal and external space, and appropriate living conditions for occupiers. It is

recommended that obscure glazing for bathrooms/WCs/en-suites is secured by condition.

- 5.37 The application is also supported by a comprehensive noise assessment, which is welcome, and it is considered that the proposed layout would incorporate good acoustic design. The submitted report does identify that noise standards would be exceeded at a number of units at Rectory Road, and alternative ventilation systems would need to be installed where windows to habitable rooms would be subject to external noise levels above 55dB(A), and that noise standards would be exceeded externally in some areas. It is considered that the report recommends suitable mitigation measures and these are recommended to be secured by condition.
- 5.38 In terms of the construction stage, it is recommended that conditions be imposed restricting hours of construction and requiring a construction management plan to be submitted to the LPA for consideration, and implementation of the approved scheme.
- 5.39 Subject to conditions, the proposal would not result in an unacceptable impact on residential amenity, and would comply with the aims and requirements of the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan.
- 5.40 HIGHWAY SAFETY AND PARKING  
The application site is in a sustainable location with numerous shops, schools and medical facilities within a short walking distance. Saltwell Road and Bensham Bank are both key bus routes offering a wide variety of regular bus services.
- 5.41 It is recognised that the application site previously contained high density terraced housing/flats, and the proposal would result in a lower number of dwellings compared to that original housing stock.
- 5.42 Whilst this application is wholly standalone, it is noted that the trip generation of the three development phases granted in hybrid full/outline, was assessed as part of the associated Transport Assessment (TA). The TA did not give rise to any concerns at that time and no significant off-site highway improvements were deemed necessary on the highway network. No further trip analysis work is deemed necessary for the current proposal.
- 5.43 The application proposes off street parking for 20no. plots and on street parking for 42no. plots. Information has been submitted with the application in relation to the existing and proposed parking requirements.
- 5.44 On-street parking in the immediate area is currently unrestricted and the application does not propose to alter this. Surveys of existing on-street residential parking have been carried out by the applicant, and this data has been used to review the likely capacity in the area.
- 5.45 The surveys take into account appropriate protection/space at junctions/street corners, and proposed driveways have been subject to swept-path analysis to



confirm that they could be accessed without impacting the on-street parking to the opposite side of the road; this has also been used to demonstrate where parking could occur on-street, in-between and/or alongside the driveways.

- 5.46 Evening surveys indicate an existing demand for on-street parking of approximately 81 cars. The post-build highway layout would have approximately 163 on street parking spaces (within the same defined area as the survey).
- 5.47 A total of 58 on street spaces would be required for the proposed development. This is based upon one space per dwelling for each plot that would not have driveway and one space per three dwellings for visitors (based upon the total number of dwellings proposed).
- 5.48 Officers are satisfied that the submitted details demonstrate that there would be sufficient on street parking to accommodate the combined demand from existing residents, the proposed dwellings and proposed visitors. Over-and-above this, there would be an estimated surplus of 24 spaces.
- 5.49 Council officers have made evening site visits to corroborate the levels of existing parking observed by the applicant's parking survey team, and the location and amount of existing parking tallied closely and officers are satisfied that the parking survey is representative of the typical parking situation.
- 5.50 It is acknowledged that the relevant streets would be likely to be subject to high levels of parking on an evening in particular, however, this is not uncommon in residential areas (particularly those areas defined primarily by terraced housing) and it is recognised that the road carriageways are wide, allowing for parking to both sides of the street.
- 5.51 Where parking would occur to both sides of a street, the space remaining to the centre of the carriageway would only be sufficient for one-way traffic flows. However, it is considered that the use of double yellow line junction protection, the presence of driveways, and intersecting street junctions (in the case of Fern Dene Road) would give drivers specific opportunities for passing places (ie. allow for two-way movements along the streets). This is in addition to the gaps that would naturally occur along the street edge when kerbside spaces are not occupied. This central carriageway space available for one-way working (circa 3.6m to 4.0m) would be sufficient to allow for emergency vehicle access.
- 5.52 On this basis, it is considered that the applicant has demonstrated that the development would provide adequate parking.
- 5.53 Existing speed humps on Hyde Park Street, Westminster Street and Dunsmuir Grove are proposed to be removed and replaced with new raised plateaus, which is welcome. Final details are recommended to be secured by condition. It is also recommended that conditions be imposed requiring final details of signage and road markings for a new 20mph zone and waiting

restrictions (double yellow lines), including extending 10m around all street junctions to be submitted to the LPA for consideration, and implementation of the approved scheme.

- 5.54 A strategic cycle route would need to be provided through the site, via Dunsmuir Grove. A preliminary cycle route design has been submitted, which continues from the route provided as part of the previous phase sites at Saltwell Road and Kelvin Grove. Due to the constraints of the area, the scheme would consist primarily of signage, although a short section of on-road cycle lane is proposed to be provided along part of Dunsmuir Grove, on the uphill section.
- 5.55 The cycle proposals have been subject to a stage 1 Road Safety Audit (RSA). It is recommended that conditions be imposed requiring final details of the cycle route design and infrastructure to be submitted to the LPA for consideration, and implementation of the approved scheme.
- 5.56 Cycle storage would be required for each dwelling. The 42no. dwellings proposed in the central and southern sections would have external access to rear gardens and would be provided with sheds that would include integral Sheffield-style hoops as anchor points. It is considered that these details are acceptable and recommended to be secured by condition.
- 5.57 The dwellings in the northern section (House Type A) would not have external access to their rear gardens, and cycle stores are proposed at the front of the dwellings (between the driveway and the single storey side element). Submitted plans indicate these are proposed to be vertical storage units. These would place unnecessary pressure on components such as rear tyres and spokes, potentially damaging them, tend to require significant upper body strength to use them (which may impact on who could make use of the store), and they are also problematic for heavier cycles, including the recent shift towards electric bikes.
- 5.58 As such, it is considered that the proposed vertical stores would not be acceptable or appropriate. The applicant has not provided any clear and convincing justification that would outweigh concerns regarding vertical bike storage that would be more difficult and onerous for end users, thus potentially discouraging overall use of the storage and bikes themselves. It is considered that an acceptable and attractive design solution could be reasonably achieved with the incorporation of horizontal cycle storage at House Type A. It is recommended that conditions be imposed requiring final details of a cycle store scheme for House Type A to be submitted to the LPA for consideration, and implementation of the approved scheme.
- 5.59 Additionally, conditions are recommended to secure final details of the following:
- (a) All new kerbing throughout the development to be 100mm high (except at driveway crossovers and/or pedestrian crossing points)

- (b) Any new areas for highway adoption
  - (c) A new street lighting scheme
  - (d) Electric vehicle charging infrastructure for private drives
  - (e) Travel Plan
- 5.60 Subject to conditions, it is considered that the proposal would not result in an unacceptable impact on highway safety, and would comply with the aims and requirements of the NPPF and policies CS13 and MSGP15 of the Local Plan.
- 5.61 **DOMESTIC REFUSE COLLECTION**  
Bin stores are proposed at the rear of properties in the central and southern sections, and the submitted plans show that step-free access to the street can be achieved for each dwelling, so residents could drag their bins out on the relevant day without that route including steps.
- 5.62 Properties on the southern side of Dunsmuir would have bin access to the rear or side of plots.
- 5.63 However, given the significant changes in levels east to west across the site, it has not been possible to achieve step-free/level bin access for all properties to be able to put their bin out to the front (ie. on the same respective street as their address would be).
- 5.64 It is recognised that the applicant has amended plans to ensure that bins for properties could be brought out to the front/onto the correct corresponding street wherever possible. Plans show the following properties would need to drag their bins to a different street:
- 5.65 Bins from units 22, 23, 27 on Westminster Street would have step free access onto Dunsmuir Grove.
- 5.66 Bins from units 40, 41, 45, 46 on Dunsmuir Grove would have step free access onto Westminster Street.
- 5.67 Bins from units 33, 34 on Rectory Road would have step free access onto Westminster Street and from unit 37 onto Dunsmuir Grove. It is noted that plans indicate two sets of bin stores at these plots, and these would need to be the lower/westernmost of the two.
- 5.68 Officers do not have concerns regarding bin collection from a different street, and note that this approach has been kept to a minimum. To ensure that waste management teams are aware that the bins are not unidentified 'extras' on the streets on collection day, it is recommended that conditions be imposed requiring final details of a scheme to clearly mark affected bins with their respective addresses be submitted to the LPA for consideration, and implementation of the approved scheme. It is also recommended that this

condition include a requirement for bin stores at 33, 34 and 37 be installed at the lower/westernmost locations as shown on plans.

5.69 FLOOD RISK AND DRAINAGE

A Flood Risk Assessment (FRA) and Drainage Strategy (DS) have been submitted with the application. The submitted FRA advises that the development area is either at low or very low risk from the main sources of flooding (rivers and the sea, surface water, reservoirs, groundwater, drainage) and identifies the need to manage surface water runoff from the proposed roof and paved areas.

5.70 The submitted DS sets out the principles for achieving this in line with best practice and within the constraints of the site (accounting for density, terrain, etc). SuDS are proposed as geocellular attenuation crates and all private driveways to be permeable block paved.

5.71 However, officers consider that further design development is required before flow rates for 1in1year and 1in100yr can be confirmed. Revised/additional information has been submitted and officers are considering this detail. An update report will provide recommended conditions based on the updated drainage information submitted.

5.72 The DS also includes a proposed maintenance plan. Whilst this provides a standard schedule of maintenance operations and frequencies, it does not adequately demonstrate that the proposed drainage system could be appropriately be maintained. As such, it is recommended that conditions be imposed requiring final details of a drainage maintenance plan be submitted to the LPA for consideration, and implementation of the approved plan.

5.73 Northumbrian Water have confirmed no objection to the proposal, provided it is carried out in accordance with the Drainage Strategy, which confirms agreed points of connection and discharge rates.

5.74 Subject to conditions, based on the updated drainage information, it is considered that the proposal would be acceptable in terms of drainage and would comply with the aims and requirements of the NPPF and policies CS17, MSGP29 and MSGP30 of the Local Plan.

5.75 ECOLOGY

The application site is not located within or directly adjacent to any designated nature conservation sites or Wildlife Corridors, and therefore no impacts upon such features as a result of development of the site are anticipated.

5.76 Survey work assesses the habitats present on site (grassland, tall ruderal, trees and scrub) as being common, widespread and of low intrinsic ecological value. Scrub habitats within the site have been assessed as having the potential to support birds during the nesting season (March to September inclusive) and also offering suitable foraging habitat for hedgehog and sub-optimal foraging/commuting habitat for bats.

- 5.77 A small colony (consisting of 5no. nests) of house martin was recorded on an adjacent building to the south-west of the site, which may be indirectly impacted by the development during construction. The presence of damp mud nearby is an important factor in the choice of breeding sites for house martin and it is likely that habitats within the site currently provide a resource of mud (from within the areas of bare ground) and an insect foraging resource utilised by nearby nesting birds, including house martin. House martin are a Durham BAP priority species and are currently a Red Listed bird species of Conservation Concern (Birds of Conservation Concern 5, 2021).
- 5.78 In the absence of mitigation, the construction and operation of the proposed development has the potential to result in the direct loss and/or deterioration of habitats and features (e.g. habitats used by hedgehog and nesting and foraging birds), and the increased disturbance, displacement and predation of species, including house martin. In accordance with the NPPF, and Policy MSGP 37, proposals need to demonstrate how adverse impacts on biodiversity would be avoided/minimised in accordance with the mitigation hierarchy.
- 5.79 A Technical Briefing Note has also been submitted in support of the application, which highlights measures proposed to minimise potential impacts on nesting birds, including house martin, and to enhance the site for nesting birds. The loss of an insect foraging resource utilised by nesting birds cannot be fully mitigated for within the site, although provision of an offsite biodiversity net gain compensatory scheme is likely to provide suitable habitat.
- 5.80 The application is also supported by a completed copy of the Defra Biodiversity Net Gain (BNG) Metric 3.1. and an updated version of the Biodiversity Net Gain Design Stage Report following an updated condition assessment undertaken in November 2022. Within the submitted metric, the site has been assessed as having a baseline biodiversity value of 5.68 Habitat units, which is predicted to decrease to 1.24 Habitat units post-development (- 78.25% net change in biodiversity value).
- 5.81 The submitted BNG Design Stage Report acknowledges that there will be a requirement for off-site enhancement (net gain). It is considered that it would be necessary to provide habitat units to be delivered offsite/remote to the development site to achieve measurable biodiversity net gain in accordance with national and local planning policy.
- 5.82 In accordance with good practice guidance, offsite ecological compensation and/or biodiversity net gain measures should be delivered on suitable land within as close proximity to the proposed development site as possible, and should achieve the same level of ecological value and function as those affected.
- 5.83 Therefore, it is recommended that conditions be imposed requiring final details of a scheme to provide an offset, which delivers an appropriate number of habitats units (an offsite biodiversity net gain compensatory

scheme which delivers a measurable net gain for biodiversity) to be submitted to the LPA for consideration, and implementation and maintenance of the approved scheme.

- 5.84 Further conditions are recommended to be imposed requiring the following details to be submitted to the LPA for consideration, and implementation of the approved details:
- (a) Biodiversity Method Statement
  - (b) Soft landscaping and on-site habitat creation
  - (c) Management, maintenance and monitoring plan for landscaping and on-site habitat creation
  - (d) Bird nesting and bat roosting features
  - (e) External lighting scheme
- 5.85 Finally, submitted plans indicate proposed locations of cut outs in boundary treatment to facilitate the movement of hedgehog within the site at ground level between individual private gardens and public areas. It is acknowledged that there are a number of retaining walls and level changes at this application site, so this would not be at all property boundaries in this case.
- 5.86 Subject to conditions, it is considered that the proposal would not cause unacceptable harm to ecology and would comply with the aims and requirements of the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.
- 5.87 **GROUND CONDITIONS**  
The site is also in a Coal Authority defined high risk area, and a Coal Mining Risk Assessment has been submitted with the application. The Coal Authority consider that that the issue of the potential for coal mining legacy to affect the proposed development has been adequately investigated and that that the application site would be safe and stable for the proposed development. As such, no conditions are recommended in relation to coal mining legacy/site stability.
- 5.88 The site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is situated on potentially contaminated land based on previous historic use. Risk assessment and site investigation reports (including recommendations for remediation) have been submitted with the application. Officers agree with the recommendations of the reports and it is recommended that conditions be imposed requiring implementation of recommended remediation and the submission a verification report demonstrating the effectiveness of the remediation.
- 5.89 Subject to conditions, the proposal would comply with the aims and requirements of policies CS14 and MSGP20 of the Local Plan.
- 5.90 **SUSTAINABILITY**  
Local Plan policy CS16 states:

Development will be sustainable, able to function effectively in a changing climate and address impacts on climate change emissions. Development will be required to:

1. Use a good standard of building fabric, passive design, and landscaping measures to minimise energy demand,
2. Be flexible from the outset to allow adaptation to alternative uses,
3. Deliver a good level of sustainability required by relevant government schemes/guidance,
4. Minimise its contributions and provide resilience to the ongoing and predicted impacts of climate change,
5. Reduce its whole-life CO<sub>2</sub> equivalent emissions impact, and
6. Optimise the use of local renewable or low carbon energy in accordance with the following hierarchy:
  - i. Connection to an existing, or make provision for future connection, to a committed wider decentralised energy scheme within a specified timeframe,
  - ii. Development of a decentralised energy scheme for the whole or significant portion of a development from the outset, including joint schemes with significant adjacent external energy loads,
  - iii. Incorporation of other renewable energy solutions,
  - iv. Incorporation of other low carbon energy solutions in accordance with current government guidelines.

5.91 The National Design Guide also states that well design places:

They make use of potential for renewable energy infrastructures at neighbourhood and building level. These include photovoltaic arrays, heat pumps and district heating systems, to reduce demand for non-sustainable energy sources. (paragraph 140).

5.92 A sustainability statement has been submitted with the application and the Scheme does take into consideration the whole life CO<sub>2</sub> emissions of the development, and has adopted a fabric first approach, which seeks to ensure that energy use is minimised. Reduction of energy consumption through building fabric is welcomed.

5.93 The submitted statement sets out that the developer operates in the following ways:

- All materials used in the build will be assessed against the Green Guide to ensure they are of the most sustainable materials and are sourced responsibly.
- Monitoring and management of waste during development
- Best practice policies with respect to site pollution will be implemented as standard.
- Development proposals include a drainage scheme to reduce the volume and rate of surface water discharge.
- Measure will be incorporated into the design to achieve a water consumption lower than 105 litres per person per day, and water butts are proposed in gardens.

- All homes are designed to exceed the requirements of building regulations, and dedicated low energy/high efficacy lighting, drying spaces, and efficient white goods are intended for the dwellings.

5.94 Submitted plans indicate solar PV panels would be provided at every property. It is recommended that a condition be imposed requiring installation of panels at each property before the respective dwelling is occupied.

#### 5.95 DIGITAL INFRASTRUCTURE

MSGP8 states that 'The necessary physical infrastructure to enable access to information and digital communication networks will be integrated into all appropriate new developments.' The supporting text clarifies that all proposals for new dwellings and new business premises will be required to demonstrate that engagement has taken place with more than one digital infrastructure provider to explore how digital communication networks can be integrated into the development. The requirements of this policy will be satisfied by the submission of a statement (required either at application stage or through a planning condition) explaining the outcome of this engagement. As such, it is recommended that a relevant condition be imposed to satisfy this requirement.

#### 5.96 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is for qualifying housing related. The site is within Residential CIL Zone C, which has a charge of £0 per sqm.

#### 5.97 OTHER MATTERS

Loss of view from existing properties is not a material planning consideration. Potential for loss of outlook is considered in the report above.

### 6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is considered that the proposed development is acceptable in principle and, subject to relevant conditions, in terms of housing policy, affordable homes, open space and play, visual amenity/design, residential amenity, highway safety and parking, waste management, ecology, flood risk/drainage, ground conditions, sustainability and digital infrastructure, and would comply with the aims and objectives of the NPPF, and the relevant policies of the Local Plan.

6.2 Therefore, it is recommended that planning permission be granted, subject to the below conditions.

#### 7.0 Recommendation:

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



1

Unless otherwise required by condition, the development shall be carried out in complete accordance with the approved plan(s) as detailed below -

QD1617-300-01 Location Plan  
QD1617-311-01 Planning Layout Rev N

QD1617-390-01- Design and Access REV B-High Quality  
QD1617-351-01 PV Location Layout REV C  
QD1617-344-01 Critical Distance Layout Rev E  
QD1617-332-01 Boundary Treatment Layout Rev F  
QD1617 330-01 Materials Layout Rev E  
QD1617-320-01 Render Layout Rev C

Hyde Park St - House Type A - Corner Turner Rev E  
Hyde Park St - House Type A Rev L  
Hyde Park St - House Type B Rev F  
Hyde Park St - House Type C Rev D  
Hyde Park St - House Type D Rev D

CK-XX-XX-DR-C-5210 External Works - P5  
CK-XX-XX-DR-C-5201 Engineering Arrangement - Sht 1 - P6  
CK-XX-XX-DR-C-5202 Engineering Arrangement - Sheet 2 - P5  
CK-XX-XX-DR-C-5203 Engineering Arrangement - Sheet 3 - P5

QD1617-321-01 Site Sections Sheet 1of4 Rev B  
QD1617-321-02 Site Sections Sheet 2of4 Rev B  
QD1617-321-03 Site Sections Sheet 3of4 Rev B  
QD1617-321-04 Site Sections Sheet 4of4

QD1617-333-01 Boundary Details Rev D  
QD1617-SHED-01 Shed

22159-001 Rev B Cycle Route Improvements

9635.001 v2 Hyde Park Street Ecological Assessment  
9635.003 v2 Hyde Park Street Design Stage BNG Assessment  
9635.004 Ecological Technical Note  
CK21-Drainage Strategy Report-Hyde Park-Sep22  
CK-XX-XX-DR-C-5215 - Drainage Key Plan - P1

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

Notwithstanding the approved plans, no external materials shall be used on site until final details of these have been submitted to an 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 street scene or residential amenity in accordance with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 of the Local Plan.

4

The details approved under condition 3 shall be implemented in full accordance with the approved details and retained as such for the lifetime of the development.

All windows serving bathrooms, en-suites and WCs, and shall be glazed with obscure glass at a level three or greater (in accordance with the levels set by Pilkington). The obscure glazing shall be installed prior to occupation of the respective dwellings hereby approved and retained thereafter.

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 street scene, and to ensure the proposal would provide an appropriate level of privacy for future and existing occupiers, in accordance with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 of the Local Plan

5

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 1800 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, MSGP17 and MSGP18 of the Local Plan.

6

No dwelling hereby approved shall be occupied until a plan clearly identifying at least 16 dwellings that are to be constructed to meet the Building Regulation M4(2) Category 2: Accessible and Adaptable Dwellings standard or equivalent successor standards has been submitted to and approved in writing by the Local Planning Authority.

The identified dwellings shall be constructed as such and retained and maintained as such for the lifetime of the development.

Reason

To ensure the proposal would provide appropriate range and choice of housing in accordance with the NPPF and policy MSGP10 of the Local Plan.

7

No dwelling hereby approved shall be occupied until a statement explaining the outcome of engagement with more than one digital infrastructure provider to explore how digital communication networks can be integrated into the development has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure necessary physical infrastructure to enable access to information and digital communication networks at the new development, in accordance with the NPPF and policy MSGP8 of the Local Plan.

8

No development hereby approved shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Plan shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) A Construction Traffic Management Plan which includes further details of the management of vehicles arriving at and leaving the site during construction;
- (c) Storage of plant and materials to be used in constructing the development

- (d) The erection and maintenance of security hoarding
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) Measures to control noise and vibration during construction
- (h) A scheme for recycling/disposing of waste resulting from construction works.
- (i) Measures to control surface water run-off, to ensure there is no off-site flooding during construction

**Reason**

In order to avoid nuisance to the occupiers of adjacent properties during construction of the development, in accordance with the NPPF and policies CS13, CS14, CS17, MSGP15, MSGP17, MSGP18, MSGP29 and MSGP30 of the Local Plan.

**Reason for pre-commencement condition**

To ensure that construction details can be approved prior to on-site works thereby avoiding any abortive work and preventing harm to nearby sensitive receptors due to uncontrolled construction and harm to highway safety which could otherwise occur.

9

The development hereby approved shall be implemented wholly in accordance with Construction Management Plan measures approved under condition 8 at all times during construction.

**Reason**

In order to avoid nuisance to the occupiers of adjacent properties during the construction phase of the development, in accordance with the NPPF and policies CS13, CS14, CS17, MSGP15, MSGP17, MSGP18, MSGP29 and MSGP30 of the Local Plan.

10

The solar panels, as shown on plan QD1617-351-01 PV Location Layout REV C, shall be installed at each dwelling before the respective dwelling is occupied, and retained and maintained as such for the lifetime of the development.

**Reason**

To optimise the use of renewable energy in accordance with the NPPF and policy CS16 of the Local Plan.

11

Notwithstanding the approved plans, the development hereby approved shall be implemented in accordance with the noise mitigation

measures as detailed in section 7 of the LA Environmental Noise Assessment (reference LAE1211.1 dated 21 September 2022).

For the avoidance of doubt, the timber infill panels at the boundary treatment for unit 62 shall be implemented in accordance with the specification in section 7.3 of the above report.

Thereafter, the measures shall be maintained in accordance with the approved details for the lifetime of the development.

Reason

To safeguard the amenities of future occupiers in accordance with the NPPF and policies CS14, MSGP15, MSGP17 and MSGP18 of the Local Plan.

12

No new hard landscaping shall be used on site until final details of the appearance of the hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timescale for its implementation.

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 street scene or residential amenity in accordance with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 of the Local Plan.

13

The hard landscaping details approved under condition 12 shall be implemented in accordance with the approved details, including the approved timescale, and retained as such for the lifetime of the development.

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 street scene or residential amenity in accordance with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 of the Local Plan.

14

No dwellings with private driveways hereby approved shall be occupied until a scheme relating to electric vehicle charging infrastructure for private drives has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate provision for electric vehicles in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

15

The scheme approved under condition 14 shall be implemented in accordance with the approved details before the respective dwelling is occupied and the electric vehicle infrastructure shall be retained and maintained as such for the lifetime of the development.

Reason

To ensure appropriate provision for electric vehicles in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

16

No dwellings indicated as House Type A (units 1-20) hereby approved shall progress above damp proof course level until final details of secure and weatherproof horizontal cycle storage, for each dwelling of House Type A have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure adequate and appropriate cycle storage provision in accordance with the NPPF and policies CS13, CS15, MSGP15 and MSGP24 of the Local Plan.

17

The details approved under condition 16 shall be implemented in accordance with the approved details before the respective dwelling is occupied and retained and maintained as such for the lifetime of the development.

The cycle parking details for units 21-62 shall be implemented in accordance with the approved details (plan QD1617-SHED-01 Shed) before the respective dwelling is occupied and retained and maintained as such for the lifetime of the development.

Reason

To ensure adequate and appropriate cycle storage provision in accordance with the NPPF and policies CS13, CS15, MSGP15 and MSGP24 of the Local Plan.

18

No dwellings hereby approved shall be occupied until the following details and timescales for their implementation, have been submitted to and approved in writing by the Local Planning Authority:

(a) New raised plateaus on Hyde Park Street, Westminster Street and Dunsmuir Grove

(b) Signage and road markings for a new 20mph zone

- (c) Final scheme for all new and amended waiting restrictions (including extending 10m around all street junctions)
- (d) Detailed/final cycle route design and associated signage and infrastructure
- (e) Details of all areas of highway to be publicly adopted
- (f) A street lighting scheme (including the specifications and locations of the street lights), that shall also accommodate the requirements of Condition 26

Reason

To ensure appropriate highway safety in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

19

The details approved under condition 18 shall be implemented in accordance with the approved details and timescales and retained and maintained as such thereafter.

All new kerbing throughout the development shall be 100mm high, except at driveway crossovers and/or pedestrian crossing points.

Reason

To ensure appropriate highway safety in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

20

Units 22, 23, 27, 40, 41, 45 and 46 shall not be occupied until final details of a scheme to clearly identify/mark associated refuse bins with their respective addresses has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate and adequate identification of bins that would be left for collection on different streets to the respective addresses, as a result of step-free access arrangements, in accordance with the NPPF and policies CS13, CS15, MSGP15, MSGP24 and MSGP48 of the Local Plan.

21

The scheme approved under condition 20 shall be implemented before each of units 22, 23, 27, 40, 41, 45 and 46 are respectively occupied.

Bin stores at units 33, 34 and 37 shall also be installed at the lower/westernmost locations as shown on plan QD1617-311-01 Planning Layout Rev N.

Reason

To ensure appropriate and adequate identification of bins that would be left for collection on different streets to the respective addresses, and to ensure step-free access for bin dragging at each dwelling, in accordance with the NPPF and policies CS13, CS15, MSGP15, MSGP24 and MSGP48 of the Local Plan.

22

No development hereby approved (including ground works and/or vegetation clearance) shall commence until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of any "biodiversity protection zones"
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements e.g. measures to protect wildlife from becoming trapped in any excavations/pipes during construction;
- d) The location and timing of sensitive works to avoid harm to biodiversity features. e.g. no vegetation clearance to be undertaken between March and September (inclusive) unless immediately preceded by a nesting bird check undertaken by a suitably qualified ecologist.
- e) The times during construction when specialist ecologists need to be present on site to oversee works e.g. nesting bird checks
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of any protective fences, exclusion barriers and warning signs.

Reason

To avoid/minimise adverse impacts on biodiversity in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

Reason for pre-commencement condition

To avoid/minimise harm to biodiversity at all times during works and construction.

23

The development hereby approved shall be implemented in full accordance with the Construction Environmental Management Plan approved under condition 22 at all times during works on site associated with the development and until final completion.

Reason

To avoid/minimise adverse impacts on biodiversity in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.



24

No development shall progress beyond damp proof course until full details including the specification and precise locations (as identified on a plan and elevation drawing of the properties) of the integrated potential bat roost features (minimum 6no) and bird nesting features (minimum 8no, including features suitable for use by house martin and swift), and timescales for implementation, have been submitted to and approved in writing by the Local Planning Authority.

Reason

To maintain and enhance the favourable conservation status of the local bat population(s) and priority bird species at or above current levels in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

25

The details approved under condition 24 shall be implemented in full accordance with the approved details and timescales and retained and maintained as such for the lifetime of the development.

Reason

To maintain and enhance the favourable conservation status of the local bat population(s) and priority bird species at or above current levels in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

26

No new external lighting shall be installed on site until a lighting design strategy to avoid/minimise adverse impacts on biodiversity including light spill onto areas of retained and/or newly created habitat and features (including integrated bats boxes) has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- (a) Lighting contour plan(s)
- (b) Number, specification and precise location (including height) of proposed external lighting to be provided on site

Reason

To avoid / minimise adverse impacts on biodiversity including protected and priority species in accordance with the NPPF and policies CS18 and MSGP37 and the Local Plan.

27

The external lighting shall be installed and maintained wholly in accordance with the approved details under condition 26 and retained thereafter for the life of the development.

Reason

To maintain the value and function of the site for roosting, foraging and commuting bats in accordance with policies CS18, MSGP36 and MSGP37 of the Local Plan, and the NPPF.

28

Notwithstanding the submitted information, the development hereby approved shall not progress beyond the damp course layer until details of an offsite biodiversity net gain compensatory scheme, including the means of delivery, which delivers a measurable net gain for biodiversity, as demonstrated through application of the Defra Biodiversity Net Gain Metric 3.1, to be delivered on suitable land, and including timescales for delivery and measures for maintenance and monitoring protocols, has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the development achieves measurable biodiversity net gain in accordance with the NPPF and policy MSGP37 of the Local Plan.

29

The offsite biodiversity net gain compensatory scheme approved under condition 28 shall be implemented in full accordance with the approved measures and timescales, and maintained thereafter for a minimum of 30 years.

Reason

To ensure the development achieves measurable biodiversity net gain in accordance with the NPPF and policy MSGP37 of the Local Plan.

30

Notwithstanding the submitted information (including plan c-2091-01 Detailed landscape proposals), the development shall not progress beyond the damp course layer until full details of the soft landscaping and areas of habitat creation listed in the onsite post enhancement section of the biodiversity net gain assessment/Defra metric 3.1, including timescales for implementation, have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the development achieves measurable biodiversity net gain and improves the local and natural environment in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

31

The soft landscaping and habitat creation scheme approved under condition 30 shall be implemented in full accordance with the approved measures and timescales, and maintained thereafter for a minimum of 30 years.

Reason

To ensure the development achieves measurable biodiversity net gain and improves the local and natural environment in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

32

No dwelling hereby approved shall be occupied until a detailed management plan, annual maintenance programme, monitoring protocol and arrangements to address any defects/issues adversely impacting the value and function of the soft landscaping and/or habitats provided on site have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the development achieves measurable biodiversity net gain and improves the local and natural environment in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

33

The details approved under condition 32 shall be implemented in full accordance with the approved details at all times for the life of the development or a period of no less than 30 years.

Reason

To ensure the development achieves measurable biodiversity net gain and improves the local and natural environment in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

34

The remediation and monitoring measures hereby approved, as detailed in the following documents, shall be implemented at each phase of construction in full accordance with the approved details before the development at each respective phase progresses above damp proof course:

REMEDICATION STRATEGY FOR LAND AT HYDE PARK, BENSAM, GATESHEAD, produced by Dunelm, reference D9514B/01, dated 25.11.19

RE: GAS RISK ASSESSMENT - HYDE PARK, BENSAM, GATESHEAD. produced by Dunelm, reference D9514/GRA , dated 16.09.19,

RE: DELINEATION OF ASBESTOS HOTSPOT - HYDE PARK, BENSAM, Gateshead, produced by Dunelm, reference D9514A/01 rev.A, dated 28/11/19

SUPPLEMENTARY GEOENVIRONMENTAL APPRAISAL FOR LAND AT HYDE PARK, BENSAM, GATESHEAD, produced by Dunelm, reference D10794, dated 30/10/2019

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, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to ensure appropriate land stability in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan.

35

Any undesirable material observed during excavation of the existing ground shall be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations shall cease and the exposed material shall be chemically tested.

The works shall not continue until a Risk Assessment and, if required, remediation and monitoring measures have been and submitted to and approved in writing by the Local Planning Authority.

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 CS14 and MSGP20 of the Local Plan.

36

The remediation and monitoring measures approved under condition 35 shall be implemented in accordance with the approved details prior to any further works (other than those required for remediation) and maintained for the life of the development.

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 CS14 and MSGP20 of the Local Plan.

37

Where remediation is required (under conditions 34-36), following completion of the approved remediation and monitoring measures (relating to land contamination and gas risk, and including suitable

clean topsoil layer of 300mm ), no dwelling hereby approved shall occupied until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Where this is carried out in phases, no dwellings within the relevant phase shall be occupied until a verification report that demonstrates the effectiveness of the remediation carried out for that phase has been submitted to and approved in writing by the Local Planning Authority.

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 CS14 and MSGP20 of the Local Plan.

38

The development hereby approved shall not commence until a final detailed drainage scheme for the development, confirming flow rates for 1in1year and 1in100year events has been submitted to and approved in writing by the Local Planning Authority.

The drainage scheme shall ensure that foul flows discharge to the combined public sewers, Area 'A' will discharge into the combined sewer between manholes 0703 and 0801, foul flows from Area 'B' will discharge into the existing manhole upstream of 0701. Area 'C' will discharge into the existing combined public sewer at manhole 1706. Area 'D' will discharge into the combined public sewer between manholes 1705 and 1703 and ensure that surface water discharges to the combined sewer at manhole 0701 and between manholes 0801-0703 and 1703-1705.

The surface water discharge rate shall not exceed the available capacity of 18.5l/sec that has been identified in this sewer.

Reason

To demonstrate that the final detailed drainage design follows the philosophy of the approved drainage strategy and best practice guidance in accordance with the NPPF and policies CS17, MSGP29 and MSGP30 of the Local Plan.

Reason for pre-commencement condition

To ensure an appropriate and adequate drainage scheme can be achieved on site before the development commences.

39

The development hereby approved shall be implemented in accordance with the details approved under condition 38 at all times

and retained and maintained as such for the lifetime of the development.

Reason

To demonstrate that the final detailed drainage design follows the philosophy of the approved drainage strategy and best practice guidance in accordance with the NPPF and policies CS17, MSGP29 and MSGP30 of the Local Plan.

40

No dwelling hereby approved shall be occupied until a Drainage Maintenance Plan (DMP) has been submitted to and approved in writing by the Local Planning Authority.

The DMP shall include demonstration that adequate access to flow controls will be available for inspection and de-silting operations. The location of tanks should be suitable for their potential removal and replacement during the lifetime of the development (residential lifetime 100years, crated tank service life, typically 50years).

Reason

To ensure that the drainage scheme operates at its full potential throughout the development's lifetime in accordance with the NPPF and policies CS17, MSGP29 and MSGP30 of the Local Plan.

41

The details approved under condition 40 shall be implemented at all times for the lifetime of the development.

Reason

To ensure that the drainage scheme operates at its full potential throughout the development's lifetime in accordance with the NPPF and policies CS17, MSGP29 and MSGP30 of the Local Plan.

42

The development hereby approved shall not be occupied until a Travel Plan has been submitted to the Local Planning Authority for consideration. The Travel Plan shall include:

- (a) An assessment of the site, including the transport links to the site, on-site facilities, any transport issues and problems, barriers to non-car use and possible improvements to encourage walking, cycling and bus use.
- (b) Appointment of a travel plan co-ordinator and identification of associated budget
- (c) Clearly defined objectives, targets and indicators
- (d) Details of proposed measures
- (e) Detailed timetable for implementing measures
- (f) Proposals for maintaining momentum and publicising success

(g) A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

(h) Commitment to the use of the councils preferred monitoring database (currently Modeshift)

(i) Two introductory travel tickets per dwelling equalling four weeks travel per ticket to be introduced to residents within their welcome packs

**Reason**

To ensure an appropriate long term management strategy to encourage sustainable travel at the site, in accordance with the NPPF and policies CS13, MSGP14 and MSGP15 of the Local Plan.

**43**

Within 24 months of the date of approval of condition 42, evidence of the implementation of the Travel Plan approved under condition 42 over a minimum period of 12 months following final completion, and any revisions, shall be submitted to the Local Planning Authority for consideration.

**Reason**

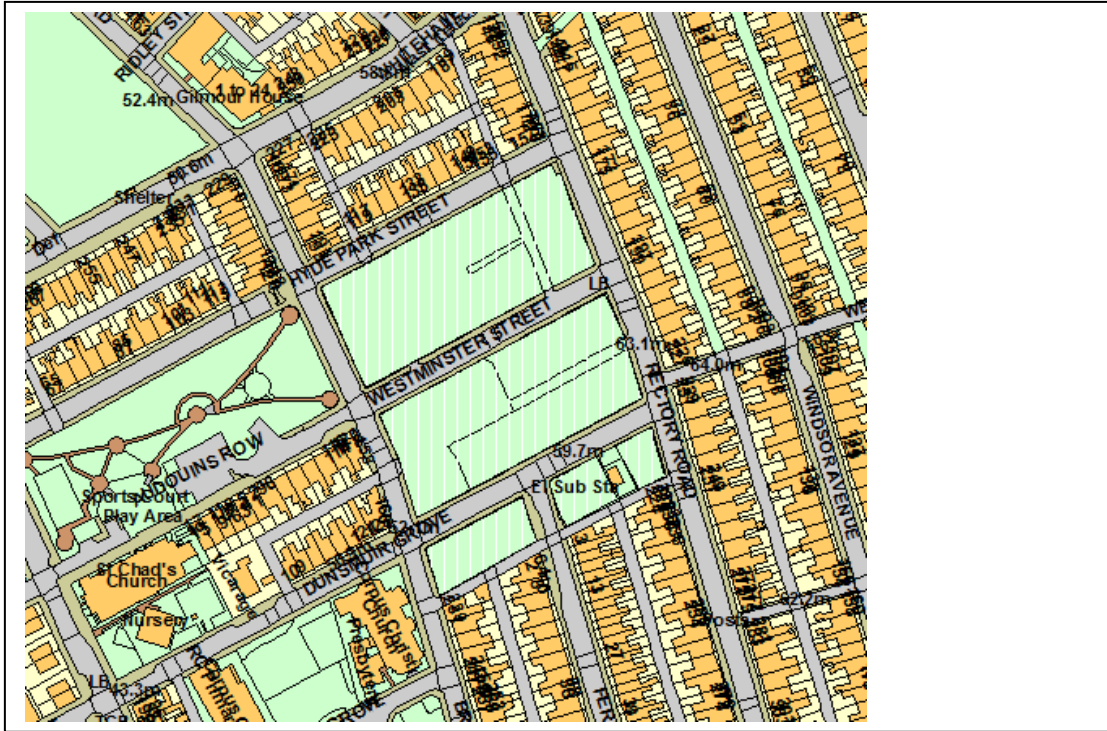
To ensure an appropriate long term management strategy to encourage sustainable travel at the site, in accordance with the NPPF and policies CS13, MSGP14 and MSGP15 of the Local Plan.

**44**

The Travel Plan and any revisions approved under conditions 42 and 43 shall be wholly implemented in accordance with the approved details for the lifetime of the development.

**Reason**

To ensure an appropriate long term management strategy to encourage sustainable travel at the site, in accordance with the NPPF and policies CS13, MSGP14 and MSGP15 of the Local Plan.



This map is based upon Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Gateshead Council. Licence Number LA07618X



**Committee Report**

<b>Application No:</b>	<b>DC/22/01234/FUL</b>
<b>Case Officer</b>	<b>Richard Smith</b>
<b>Date Application Valid</b>	<b>1 November 2022</b>
<b>Applicant</b>	<b>Mr Robert Waugh</b>
<b>Site:</b>	<b>108 Rawling Road Bensham Gateshead Gateshead NE8 4QR</b>
<b>Ward:</b>	<b>Lobley Hill And Bensham</b>
<b>Proposal:</b>	<b>Change of use from doctors' surgery (Class E) to community centre (Class F2(b)).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Change of Use</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF SITE.**

The application site is a former Church which was most recently operating as a doctors' surgery (use class E).

1.2 The property is located on the corner of Rawling Road and Whitehall Road, in the Bensham area of the Borough, with the main entrance to the property located on Rawling Road.

1.3 There is a small dwarf wall with metal railings which runs along the boundary of the main elevation facing Rawling Road and dwarf wall with a 1 metre fence runs along the boundary facing Whitehall Road.

1.4 Attached to the application site is Trinity Corner Nursery School, with residential properties located on Whitehall Road, Rawling Road adjacent to the site to the east, west and south.

**1.5 DESCRIPTION OF APPLICATION**

The application under consideration seeks permission for a change of use from a doctors' surgery (use class E) to a community centre (use class F2(b))

1.6 The submitted plans show the ground floor is split into 9no different rooms and there are no internal or external changes proposed within the planning application under consideration.

1.7 The application states that there will be 1no full time member of staff and 2no part time members of staff. The applicant has confirmed via email, the intended opening hours for the community centre are 7:00am - 10:00pm

**1.8 PLANNING HISTORY**

No previous planning history

## **2.0 Consultation Responses:**

None

## **3.0 Representations:**

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

3.2 No representations received.

## **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS9 Existing Communities

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP24 Design Quality

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

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

### **5.2 PRINCIPLE OF USE**

Policy CS9 of the Local Plan for Gateshead states that existing communities will be sustainable places of quality and choice. This will be achieved by maintaining and improving facilities, services and the local environment.

5.3 The proposed application seeks to change the use of the property from a doctors surgery to a community centre (use class F2b).

- 5.4 The property is currently vacant, and the change of use will facilitate bringing a vacant commercial property back into use, providing a local hub for the community.
- 5.5 Therefore, the proposed change of use is considered acceptable in accordance with the NPPF, and policy CS9 of the Local Plan for Gateshead.
- 5.6 VISUAL AMENITY  
No external alterations are proposed as a result of the development and as such there is no impact on appearance of the property.
- 5.7 Therefore, the proposal is considered acceptable in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.
- 5.8 RESIDENTIAL AMENITY  
The application site is set on the corner of Rawling Road and Whitehall Road and as such has no adjoining residential properties. The nearest residential property to the application site is located on the opposite side of the Rawling Road approximately 18 metres away.
- 5.9 The applicant has proposed opening hours of 07:00am - 10:00pm Monday - Sunday and including Bank Holidays. Given the nature of the use and with regards to the properties location with regards the nearest residential properties it is considered acceptable.
- 5.10 Therefore, subject to a suitably worded condition for opening hours, the proposed change of use is considered acceptable in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.
- 5.11 HIGHWAY SAFETY AND PARKING  
The application site is within a very sustainable location with a significant residential catchment area. It is considered that many trips to the community centre would likely be by foot. However, even those using vehicles, officers are satisfied that there is plenty of spare capacity in the surrounding area to accommodate the on-street parking requirements likely to be generated by the new use.
- 5.12 Subject, to a suitably worded condition for secure cycle parking (condition 4) it is considered the proposed change of use would not lead to a detrimental impact on the highway network.
- 5.13 Therefore, subject to a condition to secure cycle parking, the proposal is considered acceptable in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 5.14 COMMUNITY INFRASTRUCTURE LEVY  
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development.

## **6.0 CONCLUSION**

6.1 Taking all the relevant issues into account, it is therefore recommended that planning permission be granted, as the change of use is acceptable and subject to suitable conditions would not cause significant harm to amenity or highway safety. It is considered that the development does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

## **7.0 Recommendation:**

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

1

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

Reason

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

2

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

AD21-12

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 use of the premises hereby approved shall only be open to the public between the hours of 07:00 and 22:00 on any day.

Reason

To ensure that the use would not result in an unacceptable level of noise/disturbance to neighbouring properties, in accordance with the NPPF and policies CS14 and MSPG17 of the Local Plan for Gateshead.

4

Prior to the first occupation of the development hereby approved details of secure and weatherproof cycle parking, capable of storing at least two cycles has been submitted to and approved in writing by the Local Planning Authority.

Reason

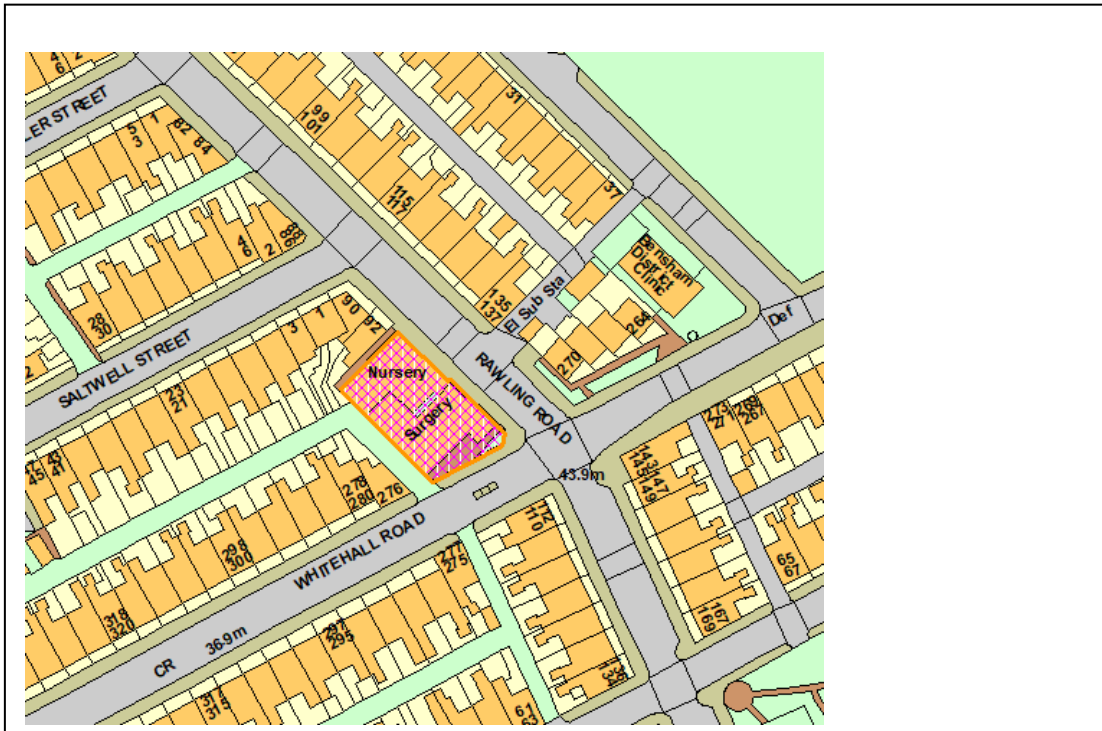
In order to ensure adequate provision for cyclists and in compliance with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

5

The details approved under condition 4 shall be implemented in accordance with the approved details before the development hereby approved is occupied and retained as such for the lifetime of the development.

Reason

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



This map is based upon Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Gateshead Council. Licence Number LA07618X

This page is intentionally left blank

**TITLE OF REPORT:** Enforcement Team Activity

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

---

## 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 10.11.22 and ending 07.12.22 the enforcement team has received 107 new service requests. The enforcement team currently has 533 cases under investigation.

Type of complaint	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
<b>PLANNING</b>	22	12	25	1
<b>HIGHWAYS</b>	13	6	21	0
<b>ABANDONED VEHICLES</b>	48	10 active cases remain	49	0
<b>WASTE</b>	24	24	29	1
<b>TOTALS</b>	107	52	124	2

<b>COURT HEARINGS</b>
No court hearings have occurred during this monitoring period.





**REPORT TO PLANNING AND  
DEVELOPMENT COMMITTEE**  
**21<sup>st</sup> December 2022**

**TITLE OF REPORT:** Enforcement Action

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

---

**Purpose of the Report**

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

**Background**

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

**Recommendations**

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

**1. FINANCIAL IMPLICATIONS**

Nil.

**2. RISK MANAGEMENT IMPLICATIONS**

Nil.

**3. HUMAN RESOURCES IMPLICATIONS**

Nil.

**4. EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**5. CRIME AND DISORDER IMPLICATIONS**

Nil.

**6. SUSTAINABILITY IMPLICATIONS**

Nil.

**7. HUMAN RIGHTS IMPLICATIONS**

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

**8. WARD IMPLICATIONS**

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

**9. BACKGROUND INFORMATION**

Nil.

## APPENDIX 2

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
1.	Land at Woodhouse Lane, Swalwell (Known as South West Farm Site One)	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	11 January 2016	12 January 2016	15 February 2016	14 March and 4 July 2016	<p>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.</p> <p>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.</p> <p>The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap.</p>
	Known as South West Farm Site Two)	Swalwell	Without planning permission the change of use of the land from agriculture and reception, composting and transfer of green waste to a mixed 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.	11 January 2016	12 January 2016	15 February 2016	14 March and 4 July 2016	<p>Both defendants pleaded guilty at Newcastle 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.</p> <p>The site has recently been revisited and it is likely further action will be required.</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 Councils 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>
	(Known as South West Farm Site Three)	Swalwell	Without planning permission the change of use of the land from agriculture to a mixed use for agriculture and the storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair	11 January 2016	12 January 2016	15 February 2016	14 March and 4 July 2016	<p>The Court date has been adjourned until 24<sup>th</sup> June at 10am, discussions are to take place with the land owner 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>
								29 <sup>th</sup> Sep 2018

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
								<p>Allocated to enforcement officer and investigations ongoing. The Environment Agency have been approached for additional support with this investigation and the enforcement team awaiting confirmation of a joint visit.</p> <p>08.12.2022 – Pursuing this matter further with the EA following further information provided by Cllr Ord of possible unlawful activity.</p>
2.	Blaydon Quarry Lead Road, Gateshead	Crawcrook 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> <p>An appeal has been submitted in relation to the enforcement notice.</p>
3.	Blaydon Quarry Lead Road, Gateshead	Crawcrook 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>
4.	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 1st May.</p> <p>Given the current Covid19 situation, the works in default have been delayed and an extension given to the homeowner.</p> <p>Update 27.4.2022 Property has since been sold. New owner has submitted a planning application DC/22/00244/HHA. Some work started on the property which has resulted in building waste which has been left in the rear yard for several weeks now. Community Protection Warning has been issued, requiring removal of waste.</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
								<p>Update 26.5.2022 Owners have been in contact and given assurances the waste will be cleared. Estimate this will be next week.</p> <p>Update 23.06.2022 waste in rear of property has been removed following Community protection warning and Community protection notice.</p> <p>The longstanding issue remains the external condition. Boarded up windows, damage to the roof of the front bay window, guttering etc.</p> <p>Planning application DC/22/00244/HHA - Proposed Part Two/Part Single Storey Rear Extension, Rear Dormer Window and Insertion of Roof Lights to the Front Roof Slope has been validated so it is anticipated that works to the property will commence soon after approval.</p> <p>Complaints had also been made about the condition of the hedge at the front of the property. This has been cut back but has the disadvantage of exposing the condition of the front of the property.</p> <p>08.12.2022 No further update</p>
5.	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> <p>A revised notice was re -served on the 4th August. The notice was not appealed. The site owners have until the 1st November to demolish the building and clear the land. Notice not complied with. A Demolition method statement is being prepared by construction services. Demolition isn't straight forward due to structural integrity of building and presence of asbestos containing materials. 02 March 2022 NEDL have disconnected the electrical supply to the building.</p> <p>08.12.2022 BT Open Reach have provided assurances that their pole and overhead apparatus is to be removed from the building by 07.12.2022. Legal and insurance teams have concluded their activities and a contract has been awarded with a commencement date set for demolition of 09.01.2023.</p>
6.	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
								Case progressing to prosecution for non-compliance. Site visit arranged undertaken 03.11.2022 and some compliance but further enforcement notice to be issued for additional issues identified.  08.12.2022 No Further update
7.	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> December 2021	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.  Case progressing to prosecution for non-compliance. Site visit arranged undertaken 03.11.2022 and some compliance but further enforcement notice to be issued for additional issues identified.  08.12.2022 No Further update
8.	Land at Dunston Mech Club House, Dunston Road.	Dunston and Teams	Untidy Land	10 <sup>th</sup> October 2022	10 <sup>th</sup> October 2022	10 <sup>th</sup> October 2022	31 October 2022	Complaints have been received regarding the condition of the land due to the storage of vehicles in various states of disrepair. This is a complex site with multiple landowners and non-registered land. Notices have been issued pursuant to section 43 of the Anti Social Behaviour, Crime and Policing Act 2014 on one land owner and one occupier requiring certain steps to be taken to prevent nuisance or detriment to the amenity of others.  Update 08.12.2022 – The majority of vehicles have been removed, There is a significant volume of waste materials on site and further discussions with the site owner and occupier have taken place to ensure that this is removed. Compliance monitoring ongoing.
9.	Kwik Save, High Street, Felling	Felling	Building and land in ruinous and dilapidated condition	27 <sup>th</sup> April 2022	27 <sup>th</sup> April 2022	18 <sup>th</sup> May 2022	5 <sup>th</sup> September 2022	Complaints have been received regarding the condition of the property and the adjoining land. The site has been subject to a number of arson attacks, fly tipping and other anti-social behaviour. A Notice has been issued pursuant to section 79 (1) of the Building Act 1984 requiring the recipient to either carry out such works of restoration or carry out demolition and remove the resultant rubbish or other materials from the site as specified in the notice. This has been the subject of an appeal. Work is ongoing with Northumbria Police and Tyne and Wear Fire & Rescue service to expedite a resolution. Construction services have also been requested to provide a method statement and costings for demolition, should the local authority be required to undertake works in default. –  Works progressing to determine costs of demolition and consideration being given to issuing community protection warning in conjunction with TWFRS and Northumbria Police  08.12.2022 – No further update



**TITLE OF REPORT:** Planning Appeals

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

---

### **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 **two** new appeals lodged since the last committee:

DC/21/00977/FUL - Pear Trees, Orchard Road, Rowlands Gill NE39 1DN  
Demolition of existing bungalow and garage and construction of two new dwelling with vehicular and pedestrian access (Resubmission)  
This was a delegated decision refused on 27 October 2021

DC/22/00635/CPE - Allotment Gardens West Of Pelaw Youth Centre, Shields Road, Felling, Gateshead NE10 0YH  
CERTIFICATE OF LAWFULNESS FOR EXISTING USE OR DEVELOPMENT: Use of land as private general amenity space (Sui Generis). (Additional information received on 15/07/2022 and 10/08/2022)  
This was a delegated decision refused on 11 October 2022

### **Appeal Decisions**

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

DC/21/01150/HHA - 29 Hartside Crescent, Winlaton, Blaydon NE21 6HL  
Two storey side extension.  
This is an appeal against non-determination.  
Appeal dismissed 5 December 2012

### **Appeal Costs**

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

### **Outstanding Appeals**

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

### **Recommendation**

s

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>
<b>DC/21/00897/HHA</b>	<b>Gavna Westfield Lane Ryton NE40 3QE</b>	<b>Erection of 1.5 storey detached garage with office/gym in roof space (amended 21.03.22).</b>	<b>Written</b>	<b>Appeal dismissed</b>
DC/21/00916/FUL	Jack And Jo's Nursery Garden Middle Hedgefield Farm Stella Road Ryton	Erection of timber building to provide cafe with associated raised deck and creation of additional parking (retrospective) (revised description 30.11.2021) (amended plans 21.02.2022)	Written	Appeal in Progress
<b>DC/21/00977/FUL</b>	<b>Pear Trees Orchard Road Rowlands Gill NE39 1DN</b>	<b>Demolition of existing bungalow and garage and construction of two new dwelling with vehicular and pedestrian access (Resubmission)</b>	<b>Written</b>	<b>Appeal in Progress</b>
<b>DC/21/01150/HHA</b>	<b>29 Hartside Crescent Winlaton Blaydon</b>	<b>Two storey side extension.</b>	<b>Written</b>	<b>Appeal dismissed</b>
DC/21/01447/OUT	Telephone Exchange Whickham Bank Whickham NE16 4AJ	Outline Planning Application for the demolition of the existing telephone exchange (sui generis) and development of 1 no C3 residential dwelling with creation of a new vehicular access from Whickham Bank.	Written	Appeal in Progress

<b>DC/22/00635/CPE</b>	<b>Allotment Gardens West Of Pelaw Youth Centre Shields Road Felling Gateshead NE10 0YH</b>	<b>CERTIFICATE OF LAWFULNESS FOR EXISTING USE OR DEVELOPMENT: Use of land as private general amenity space (Sui Generis). (Additional information received on 15/07/2022 and 10/08/2022)</b>	<b>Written</b>	<b>Appeal in Progress</b>
------------------------	---	--	----------------	---------------------------



## Appeal Decision

Site visit made on 7 November 2022

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

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

**Decision date: 05 December 2022**

---

**Appeal Ref: APP/H4505/W/22/3293487**

**29 Hartside Crescent, Winlaton, Blaydon NE21 6HL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mrs Nichola Lee against Gateshead Metropolitan Borough Council.
  - The application Ref DC/21/01150/HHA, is dated 16 September 2021.
  - The development proposed is described as two storey extension to side.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters and Main Issue

2. As part of their submission, the appellant has put forward an alternative scheme that would reduce the size of the extension. However, I am mindful that it is not the purpose of the appeal process to evolve a scheme and it is therefore important that what is considered by the Inspector is essentially what was considered by the Council. I have therefore proceeded to determine the appeal on the basis of the plans as originally submitted. The merits of the reduced scale scheme would, if necessary, be a matter for the main parties to consider as part of a fresh proposal away from this appeal.
3. The Council failed to determine the application within the prescribed period. It has not provided an appeal statement. However, it did prepare a delegated decision report recommending one reason for refusal.
4. Having regard to the Council's putative reason for refusal, the main issue is the effect of the proposal on the living conditions of occupants at 33 and 35 Hartside Crescent (No 33 and No 35) with regard to light and outlook.

### Reasons

5. The appeal property is a semi-detached corner plot which has a single storey front and side extension. The side extension is set back from the fenced boundary by approximately one metre. No 33 and No 35 are part of a row of bungalows which are directly opposite and face the side boundary of the property. These bungalows sit lower than the appeal property and are separated from the boundary by relatively small rear gardens and a narrow public footpath.
6. As I observed during my visit, the existing side elevation is already rather imposing on the outlook from No 35 and to a lesser extent No 33. Moving the

proposed extension towards the bungalows and up to the shared side boundary, in conjunction with increasing its height to two-storeys, would significantly increase the size and scale of the property on the boundary. This would create an overbearing and dominant feature which would significantly impact No 35 and No 33's outlook.

7. I have no reason to doubt the Council's estimated distance between the proposal and the bungalows, which indicates that it would not meet the distance recommended in the Gateshead Council's Household Alterations and Extensions Supplementary Planning Document (SPD). This supports my finding that the proximity of the extension to the bungalows would have an overbearing and oppressive effect.
8. While the proposal would reduce separation between the bungalows, it would still leave reasonable space around the gardens and rear rooms to maintain acceptable daylight levels. Furthermore, with the orientation of the proposal being to the north of the bungalows, there would be limited impact on sunlight. There would therefore not be significant periods of light loss or overshadowing.
9. While there would not be a harmful effect on the living conditions of neighbouring occupiers at No 33 and No 35 with respect to light, there would be a detrimental effect on outlook. This would be contrary to Policies CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 and Policy MSGP17 of Making Space for Growing Places Local Plan Document for Gateshead 2021. These policies seek, amongst other matters, that development does not have a negative impact on existing residential amenity including outlook. These policies are supported by the SPD.
10. The proposal would also fail to accord with paragraph 130(f) of the National Planning Policy Framework (the Framework) which seeks to ensure developments create places with a high standard of amenity for existing users.

### **Other Matters**

11. Whilst some neighbours have supported the proposal, this does not mean I should not find harm to the living conditions of neighbours now or in the future. Accordingly, I have given this matter little weight.
12. Reference is made to examples of similar extensions within the estate. However, I do not have the full details of these and cannot be certain that the neighbouring properties circumstances are the same. Consequently, I give little weight to the other extensions and each case should be considered on its individual merits anyway.
13. The proposal might improve privacy to the bungalows by removing the existing side window. It would also not overly dominate the host property and would create more family space and provide a more symmetrical extension. However, these benefits would not outweigh the significant impact on the outlook to the neighbouring bungalows that I have found.

### **Conclusion**

14. The proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan. Having

considered all other matters raised I conclude that the appeal should be dismissed

*J Symmons*

INSPECTOR

This page is intentionally left blank





**REPORT TO PLANNING AND DEVELOPMENT COMMITTEE**

**21 December 2022**

**TITLE OF REPORT: Planning Obligations**

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

---

**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. 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 21 December 2022.

**Recommendations**

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

**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