



PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 14 June 2023 at 6.00 pm in the Bridges Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Constitution (Pages 3 - 4) Report of the Chief Executive
2	Apologies for Absence
3	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held 17 May 2023 (copy previously circulated).
4	Declarations of Interest Members to declare interests in any agenda items
5	Planning Applications (Pages 5 - 6) Report of the Service Director, Climate Change, Compliance, Planning & Transport
5i	No 1 - Action For Children, Brumby, Barmoor Lane, Ryton, NE40 3AA (Pages 7 - 22)
5ii	No 2 - Engineering Services (Highways), Council Land Adjacent to St Agnes Primary School, Gateshead (Pages 23 - 30)
5iii	No 3 - DAMF (NE) Ltd, Land at Highfield Road, Rowlands Gill (Pages 31 - 42)
6	Delegated Decisions (Pages 43 - 54) Report of the Service Director, Climate Change, Compliance, Planning & Transport
7	Enforcement Team Activity (Pages 55 - 58) Report of the Service Director, Climate Change, Compliance, Planning & Transport
8	Enforcement Action (Pages 59 - 66) Report of the Service Director, Climate Change, Compliance, Planning & Transport

9 Planning Appeals (Pages 67 - 76)

Report of the Service Director, Climate Change, Compliance, Planning & Transport

10 Planning Obligations (Pages 77 - 78)

Report of the Service Director, Climate Change, Compliance, Planning & Transport



PLANNING & DEVELOPMENT COMMITTEE
14 June 2023

TITLE OF REPORT: **Constitution**

REPORT OF: **Sheena Ramsey, Chief Executive**

The constitution of the Committee and the appointment of the Chair and Vice Chair as approved by the Council for the 2023/24 municipal year is as follows:

Chair Councillor Bob Goldsworthy
Vice Chair Councillor Judith Turner

Councillors Councillor Vicky Anderson
 Councillor Dot Burnett
 Councillor Pamela Burns
 Councillor Lynne Caffrey
 Councillor Sonya Dickie
 Councillor Paul Elliott
 Councillor Alex Geddes
 Councillor Tom Graham
 Councillor Maria Hall
 Councillor Leigh Kirton
 Councillor Kathleen McCartney
 Councillor Eileen McMaster
 Councillor Jonathan Mohammed
 Councillor Lee-Ann Moir
 Councillor Chris Ord
 Councillor Ian Patterson
 Councillor Sharon Potts
 Councillor Kathryn Walker
 Councillor Hazel Weatherley
 Councillor Dawn Welsh
 Councillor Keith Wood

Recommendation

The Committee is asked to note the information

Contact: **Helen Wade**

Extension: 3993

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PLANNING AND DEVELOPMENT
COMMITTEE
14 June 2023

TITLE OF REPORT: Planning applications for consideration

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

Purpose of the Report

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

PART ONE:

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

PART TWO: FOR INFORMATION ONLY

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

Recommendations

2. Recommendations are specified in the schedule.

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

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Committee Report

Application No:	DC/23/00266/COU
Case Officer	Josh Kenolty
Date Application Valid	12 April 2023
Applicant	Action for Children
Site:	Brumby Barmoor Lane Ryton NE40 3AA
Ward:	Ryton Crookhill And Stella
Proposal:	Change of use from residential dwellinghouse (Use Class C3) to residential Children's Home (Use Class C2). (Additional information received on 17/05/23 and 18/05/23)
Recommendation:	Grant Permission
Application Type	Change of Use

1.0 The Application:

1.1 DESCRIPTION OF SITE

The application site comprises the residential property of Brumby, a detached five-bedroom dwelling located on Barmoor Lane in Ryton. The dwellinghouse benefits from hardstanding for the parking of up to 5 vehicles to its front elevation. The property also has a garden to its rear elevation, providing private amenity space.

1.2 The property neighbours Thorp Academy Secondary School to the west/north-west, with similarly sized, detached residential properties located along either side of Barmoor Lane to the east/north-east and south of the site.

1.3 The property is not located within a Conservation Area, however the boundary of Ryton Conservation Area is adjacent to the site, including the properties situated along the opposite side of Barmoor Lane. Ryton District Shopping Centre, as designated by the Local Plan for Gateshead, is located approximately 460 metres to the east of the site along the B6317.

1.4 DESCRIPTION OF APPLICATION

Full planning permission is sought for is sought for the change of use of the existing residential dwellinghouse (Use Class C3) to a residential Children's Home (Use Class C2), which would accommodate up to four children between the ages of 8 and 17. The children would be under 24-hour supervision, 7 days a week.

1.5 As set out within the submitted Planning Statement, the staff team will consist of fourteen full-time staff in total; with one registered manager,

two team leaders, and eleven care workers. There will be no more than five staff on shift over the course of each 24-hour day, with three day-time staff and two night-time staff. The proposed staffing arrangements are detailed within the below table:

Staff Required Daily	Shift	Daily Handover
1 x Sleep in each day	10am-11pm, 7am-10.30am the following day	Handover will take place between 10am and 10.30am with the staff member coming on duty and the staff member leaving
1 x Waking Night each day	9.30pm – 9.30am	
2 x Late shifts (Monday - Friday)	2pm – 10pm	
2 x Staff (Saturday)	8am – 10pm	
2 x Staff (Sunday)	8am – 10pm	
1 x Manager or Deputy (Monday – Friday)	9am – 5pm	

1.6 The home will be managed under the Children's Homes Regulations (2015) and will be inspected by the regulator Ofsted.

1.7 No external alterations are proposed to the existing building to facilitate the change of use, although the existing vehicular access to the property off Barmoor Lane would be widened to improve vehicle manoeuvrability and provide a pedestrian visibility splay. Internal alterations are proposed to provide a new bathroom, laundry room and internal cycle storage.

1.8 SUPPORTING INFORMATION

The applicant has provided the following information in support of their planning application:

- Site Location Plan

- Existing and Proposed Floor Plans

- Existing and Proposed Site Layout, detailing the proposed works to the front boundary to include a pedestrian visibility splay

- Planning Statement, providing details of how the property would be used as a children's home, the planning policy background and an assessment of the proposal

- Statement of Community Involvement, detailing the pre-application consultation the applicant, Action for Children, undertook with Ward Councillors and local residents ahead of the submission of a planning application.

-Transport Statement

1.9 PLANNING HISTORY

The following planning history relates to the property:

832/02 | Installation of two dormer windows at rear and one dormer window at front of dwellinghouse to provide additional living accommodation in roof space | Granted planning permission

1321/91 | Erection of single-storey extension at rear of dwelling- house to provide enlarged garage, kitchen and lounge, and new conservatory | Granted planning permission

1180/84 | Erection of an enlarged attached garage with work area to rear at side of dwelling | Granted planning permission

2.0 Consultation Responses:

Northumbria Police	Northumbria Police have no objections to the application for the change of designation. The only recommendations are that the doors and windows of the ground floor to be of PAS 24-2016 and that internal doors should meet the fire safety requirements. Also CCTV to be added externally for crime and disorder and to better ID Missing person(s) if they leave the home.
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3.0 Representations:

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

3.2 A total of 25 letters of representation have been received.

3.3 22 letters of objection were received against the proposal, the details of which are summarised within the following headings below:

3.4 Principle of Development

- Loss of a family home is contrary to Local Plan policy
- Changing this property to a residential Children's Home eliminates the opportunity for a family to reside on a currently quiet street, in an ideal location for access to the school and local amenities.
- There are far more suitable properties in the Ryton area
- If a change of use is granted this may set a precedent for further conversion of homes into business use.

3.5 Visual Amenity

- Out of character with streetscene
- Out of character with the conservation area
- Development would significantly change the streetscape and have an adverse effect on the character of what is one of Ryton's oldest and historically important streets which borders a conservation area
- Altering the perimeter of the property will make it clear that it is very much not a residential dwelling but rather very obviously a commercial entity

3.6 Residential Amenity

- A number of the neighbouring properties are in very close proximity (some overlooking) Brumby and without any uncertainty would be affected by noise, disturbance and privacy issues.
- Different hours of operation to adjacent school. The comings and goings to and from this property will incur noise and disturbance 24/7.
- Development would be a huge infringement on basic human rights to peace and quiet.
- Local residents, particularly the elderly and vulnerable, also have a right to live in a safe and secure area free from the fear of crime and neighbourhood issues which this home would bring to the area.
- Whilst Action for Children will closely supervise the young people in their care, they cannot do this 24 hours a day especially with the older children. In light of this there is concern in the community (especially considering the demographics in the area) that there could be an increase in petty incidences, nuisance behaviour and possibly more.
- Given the potential age of the children at the home they will be able to leave the property with or without the permission of the staff and as such the staff would have no control over their behaviour, where they go or what they do outside the property.
- Potential increase in anti-social behaviour and fear of crime.
- There is the potential that the home and children could be the target of bullying, intimidation and anti-social behaviour due to a negative perception of them by some of the pupils at the school

3.7 Highway Capacity and Road Safety

- Inadequate car parking
- Increase of traffic
- Increased congestion, risk of harm to other road users and pedestrians.
- There will always be additional traffic, overlapping shift changes, visiting family, visiting medical personnel, inspections, senior staff visits, this would generate "significantly greater" traffic.
- The plans provided do not in any form adequately demonstrate five vehicle parking spaces together with the necessary manoeuvring spaces for each. The "Proposed Site Access Arrangements Drawing" demonstrates that any more than 3 vehicles parked would prevent any manoeuvring capabilities completely.
- The site, even with modifications to the driveway is not suitable for staff movements without considerable disruption. This will have a significant

impact on Barmoor Lane, throughout the day and at times through the night.

- Residents of Barmoor Lane have suffered significant issues in relation to parking and highway safety over several years and despite the local authority attempting to enforce parking restrictions outside Thorp academy this remains a persistent problem
- 1:1 meeting with Action for Children where it was identified that those accommodated would not necessarily be local to the neighbourhood and could come from any of the 7 councils in Tyne and Wear, Northumberland and County Durham. They could also continue to attend a school in that area, in which case school transport would be required resulting in additional vehicles trying to access the Site at already congested times of the day.
- Barmoor Lane does not provide social interaction and access to other neighbourhoods is via a main road with no assisted crossing. Access is not safe at certain times of the day when pedestrians are forced to use the highway due to illegally parked vehicles.
- Barmoor Lane is a bus route

3.8 Other Matters

- Why were the consultation meetings not open meetings where all who wish to attend can gather to discuss the proposal collectively with the representatives of the Charity and Council planners?
- Lack of consultation
- The Council's statutory procedure has not been adhered to. Throughout the application period notices should be clearly displayed, certainly up to 3 May 2023, there has been no public notices attached to lamp posts, anywhere in Barmoor Lane
- More than 100 privately run children's homes in England have been found with serious failings and have been branded inadequate by inspectors of Ofsted
- A Freedom of Information request has been submitted to Northumbria police asking what the rationale was in coming to this decision. Specifically, what crime data was used, was the local Neighbourhood policing team involved in the decision-making process, was the demographic of the area a consideration and was the potential rise in community tensions and fear of crime considered. Until this information is made available, Action for Children should not be allowed to attach the weight to this that they seem to be doing at the moment.

3.9 A letter of support was received in relation to the proposal, the details of which are summarised below:

- This is a very positive proposal offering a home to disadvantaged children. In a very suitable environment.

3.10 One representation was received from Thorp Academy neither supporting nor opposing the development:

- We have no objection. As a school we are very inclusive to all children.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

Specialist and Supported Housing Supplementary Planning Document (SPD)

CS9 Existing Communities

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP11 Housing for Specific Groups

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

5.0 Assessment of the Proposal:

5.1 The main issues to be taken into consideration in the assessment of this application are the principle of the use sought, as well as the impacts on visual amenity, residential amenity and highway capacity and road safety.

5.2 PRINCIPLE OF USE

Part 4 of Policy CS9 (Existing Communities) of the Local Plan for Gateshead seeks to prevent the loss of family homes (three or more bedrooms), through sub-division, change of use or redevelopment. The policy aims to retain and attract families to support economic growth; this will be achieved partly by preventing the loss of existing family homes. The loss of this family home would therefore be in conflict with part 4 of Policy CS9.

5.3 However, Part 1 of policy CS9 seeks to maintain a range of housing types and sizes. The proposal would provide specialist accommodation for children and in this respect would help to maintain a range of house types as per the aim of Part 1 of CS9.

- 5.4 Furthermore, the proposal would provide specialist accommodation for children and would help to increase the choice of accommodation for those with specific care needs, in accordance with Part 3 of Local Plan Policy CS11 (Providing a Range and Choice of Housing).
- 5.5 Policy CS11 looks to promote lifetime neighbourhood's with a good range and choice of accommodation, services and facilities to meet varied and changing needs. Particularly relevant to this application are parts 3 and 4 of the policy, which relate to increasing the choice of suitable accommodation including those with special needs, sheltered accommodation and extra care accommodation and providing adequate space inside and outside of the home.
- 5.6 The proposed change of use would increase the choice of accommodation for those with specific care needs, whilst providing adequate space inside and outside the home, in accordance with Part 3 of policy CS11 of the Local Plan for Gateshead.
- 5.7 Policy MSGP11 (Housing for Specific Groups) of the Local Plan states that specialist and supported accommodation and care schemes will be expected to provide on-site, or have good accessibility to, shops, services, community facilities and open space appropriate to the needs of the intended occupiers, their carers and visitors; and/or have good accessibility to public transport routes.
- 5.8 Section 4.7 of the Specialist and Supported Housing Supplementary Planning Document (SSH SPD) sets out requirements for children's homes. The SPD states that proximity to education services will be critical, as well as access to public transport, leisure facilities and medical services, while there should be well designed amenity space, internal and external, that will support learning, and enable play and activity without causing unreasonable impact on neighbouring properties.
- 5.9 The proposed development is within close proximity to education services, with easy access to public transport, as well as shops, community and leisure facilities and medical services within the settlement of Ryton. The property has provided well designed internal space for the children and there is also a rear garden for external space.
- 5.10 As set out within the Nature and Operation section of the submitted Planning Statement, the applicant seeks to continue the provision of residential accommodation at Brumby, with the intention to operate to all intents and purposes as a family home, albeit for vulnerable children in need of care and with a team of carers rather than parents.
- 5.11 The Council's Childrens Services Team have confirmed they support the delivery of a children's home at this location. They have highlighted that within the Council's sufficiency strategy, ensuring there is enough

children's homes in the local area, therefore ensuring there is capacity within Council operated children's homes and though the external market, is a key priority. Having suitable registered children's homes within the Gateshead area means a reduction in the number of children entering residential care and having to move away due to lack of resource. They have also highlighted the fact that access to residential care is a key priority nationally, and therefore they would welcome the opportunity for children to remain in Gateshead at this site.

5.12 On balance, it is considered that the change of use from a dwellinghouse to a children's home, whilst resulting in the loss of a family dwelling, would increase the choice of specialist housing, as well as the choice of accommodation for those with specific care needs, and therefore, in principle, accord with the relevant Local Plan policies; albeit a detailed assessment needs to be made of the potential impacts upon the local area. These are given consideration below.

5.13 VISUAL AMENITY

No extension or other external alterations are proposed to the property itself to facilitate the change of use.

5.14 It is proposed that the existing driveway would be widened by approximately 1.8 metres, for highway safety reasons. This would necessitate the removal of a section of the existing timber fence and a brick pillar along the front boundary of the site. The works are minor in nature and the wider vehicular entrance would not appear out of character within the residential streetscene. This is having regard to the design and size of the driveways of neighbouring properties.

5.15 On the basis of the limited external works proposed in relation to the change of use of the property, it is also not considered that the development would result in any harm to the setting of Ryton Conservation Area, the boundary of which runs along the opposite side of Barmoor Lane.

5.16 For the above reasons, it is therefore considered that the development would be acceptable in respect of design and visual impact, and would accord with the NPPF and policies CS15, MSGP24 and MSGP25 of the Local Plan for Gateshead.

5.17 RESIDENTIAL AMENITY

Policy MSGP 17 (Residential Amenity) of the Gateshead Local Plan makes clear that development will be required to provide a high-quality environment and a good standard of amenity for existing and future occupants of land and buildings. Planning permission will be granted for new development where it:

5.18 1. does not have an unacceptable impact on amenity or character of an area, and does not cause unacceptable disturbance, through an

- increase in noise, disturbance, traffic and parking congestion, smells, fumes or other harmful effects, or conflict with other adjoining uses;
- 5.19 2. safeguards the enjoyment of light, outlook and privacy; and
- 5.20 3. ensures a high quality of design and amenity
- 5.21 The site is located within a predominantly residential area of Ryton, however, it is also adjacent to Thorp Academy Secondary School. Though not positioned next to the main entrance to the school, this still means the area sees higher levels of activity during the daytime, particularly around the time of school pick-ups and drop-offs.
- 5.22 While some internal re-configuration would be carried out to the dwelling, no extension or external alterations are proposed to facilitate the change of use. Therefore, the development would not result in any unacceptable impact on the amenity of neighbouring occupiers through a loss of light, outlook or privacy.
- 5.23 The removal of a small section of the existing front boundary treatment, measuring approximately 1.8 metres in width, would also not result in unacceptable harm to the amenity of neighbouring occupiers.
- 5.24 The property is detached from the surrounding properties and would have a maximum occupancy of four children, who would be supervised by staff 24 hours a day. No increase in the number of existing bedrooms at the property is proposed.
- 5.25 It is acknowledged that a level of domestic noise may be generated as a result of the change of use; however, taking into account the site circumstances, staffing levels, as well as the number of children who would live at the property, it is not considered that this level of noise would be unduly different to that associated with the existing use of the property as a five bedroomed residential dwelling.
- 5.26 Nonetheless, in the interests of protecting the amenity of the occupiers of neighbouring dwellings from unacceptable noise or disturbance at quieter morning or evening times, a condition is recommended requiring a noise management plan to be submitted and approved prior to the first use of the property as a children's home. Subject to the submission and satisfactory discharge of the condition, the Council's Environmental Health Officer has confirmed that they have no objections to the development.
- 5.27 Furthermore, in the interests of protecting residential amenity, a condition is proposed restricting the use of the property as a children's home to be occupied by no more than four children at any time. Any increase beyond the current number proposed may also necessitate an increase in staff numbers and vehicles movements associated with the use and would require a further assessment of the impact of this on neighbouring occupiers and highway users.

- 5.28 A number of objections have raised concerns that the proposed development could lead to anti-social behaviour, whilst also having the potential to exacerbate existing issues. Officers would, however, draw to attention that the planning system deals with the use and development of land, rather than the identity and background of any particular occupiers of existing and proposed buildings. As noted above, officers consider that the principle of the use would accord with policy.
- 5.29 Furthermore, it is noted that the Designing Out Crime Officer at Northumbria Police has raised no objections to the proposal. Whilst the Officer did suggest CCTV was added externally to the property to better ID missing person(s), the agent for application has advised that the applicant, Action for Children, do not intend to install this. They have highlighted Ofsted guidance which encourages providers to operate homes akin to typical residential homes, and to steer away from anything that might feel 'institutional', something which they consider CCTV may contribute to. They have also commented that there is the potential for CCTV usage to cross over into monitoring and surveillance, which would raise safeguarding issues.
- 5.30 It is considered that anti-social behaviour is a matter for the management of the building in connection with the Police and the Council's Environmental Health and/or Private Sector Housing sections and should not preclude granting planning permission in this case for the reasons cited above. On the basis of the information provided, Officers are satisfied that the applicant has demonstrated an operational management of the property. In addition, the ongoing management of the property would be subject to further, separate oversight and regulation through Ofsted.
- 5.31 Subject to the recommended conditions, it is not considered that the proposed use would be out of character with surrounding area or result in a detrimental impact on the amenity of surrounding residents through unacceptable noise and disturbance or a loss of privacy; and would be in accordance with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.
- 5.32 HIGHWAY CAPACITY AND ROAD SAFETY
Policy MSGP 15 of the Local Plan for Gateshead addresses the transport aspect of the design of new development. Under the requirements of MSGP15, proposals will need to secure safe access to the site for all people and provide adequate servicing facilities; and provide the level of parking necessary to secure the safe and effective operation of the development by:
- providing car parking for residential development to the levels set out in the Council's parking standards (Appendix 4a of Making Spaces for Growing Places)
 - limiting car parking for non-residential development in line with the Council's parking standards (Appendix 4b)

- providing electric vehicle charging points in line with the Council's parking standards (Appendices 4a & 4b)
 - providing motorcycle parking facilities in line with Council's parking standards (Appendix 4b)
 - providing cycle parking facilities in line with the standards set out in the Council's cycle parking standards (Appendix 5)
- 5.33 The site has an existing vehicle crossover arrangement onto the north side of Barmoor Lane which is approximately 3.0 metres wide and serves a driveway and area of hardstanding that can accommodate up to 5 parked vehicles.
- 5.34 Barmoor Lane itself is subject to a posted 30mph speed limit which changes to a 20mph speed zone, approximately 30 metres north of the site. There are footways and yellow line parking restrictions on both sides of Barmoor Lane in the vicinity of the site.
- 5.35 As part of this application, the existing vehicular access to the dwelling is proposed to be widened to 4.8 metres, in order to accommodate the simultaneous movement of 2 cars, as well as provide a pedestrian visibility splay of 2 metres by 2 metres within the site. As included within Appendix A of the submitted Transport Statement, a swept path analysis of a large car has been undertaken into the proposed access arrangement, to demonstrate that the access width can accommodate the vehicle's movements.
- 5.36 The widening of the driveway to include a pedestrian visibility splay is welcomed by Transport Officers, in relation to highway safety improvements. In the interests of highway safety, conditions are recommended to ensure the visibility splay is implemented prior to the first occupation of the property as a children's home, as well as restrict the height of any boundary treatment within the visibility splay to no more than 0.6 metres.
- 5.37 As set out within the submitted Planning Statement, carers will operate on a shift basis, whereby two or three members of staff will always be present at the property, which means that a maximum of five staff will be present at any one time (to account for shift handover). The Planning Statement continues that the turnover of vehicles at staff shift changeover times will be managed internally to ensure the working arrangements can be accommodated within the curtilage of the site.
- 5.38 Having regards to the number of staff that would be employed at the property, taking account of any overlap for shift changes, and the proposed level of parking provision, Transport Officers are satisfied that car parking requirements could be accommodated and managed within the curtilage of the property, without significant detriment to the surrounding highway network.

- 5.39 For context, Local Plan Policy MSGP15 sets parking requirements for residential care homes at 1 space per 3 residents. This is equivalent to the parking requirements for a single residential dwelling, which is the existing use of the dwelling.
- 5.40 It is also acknowledged that the location of the site is easily accessible by sustainable modes of travel, with bus stops in close proximity providing convenient access to public transport for staff, and local services and amenities which can be accessed within a practicable walking and cycling distance.
- 5.41 One of the car parking spaces will be fitted with an electric vehicle (EV) charging point, while secure and weatherproof cycle parking will also be provided internally within the existing garage of the property. There are no proposed changes to the existing arrangements for refuse collection and deliveries.
- 5.42 Conditions are proposed requiring full details of the EV charging point to be submitted and approved, and the cycle parking implemented, prior to the first use of the property as a children's home, in the interests of promoting sustainable choices of transport.
- 5.43 Subject to the recommended conditions, it is considered that the proposal would not have an unacceptable impact on highway capacity or highway safety and would deliver an acceptable level of parking provision for the use sought, having regard to the sustainable location of the site. The proposal would therefore comply with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, it is considered that the development complies with the relevant Local Plan policies and the NPPF. Therefore, it is recommended that the application be granted subject to the conditions below.

7.0 Recommendation: GRANT permission

1

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

- Drawing Number 1000 Revision P2 Site Location Plan
- Drawing Number 3000 Revision P2 GA Plans
- Drawing Number JN2653-Dwg-0001A Proposed Site Access Arrangement
- Drawing Number J034-001 Measured Survey

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

Prior to the first occupation of the use hereby permitted final details of a noise management plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of residential amenity and so as to accord with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

4

The development hereby approved shall be implemented in accordance with the details approved under condition 3 at all times and retained and maintained as such for the lifetime of the development.

Reason

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

5

Prior to the first occupation/ use of the children's home hereby approved the works to the driveway and front boundary treatment as detailed on the approved plan 'Drawing Number JN2653-Dwg-0001A Proposed Site Access Arrangement' shall be completed in full and the retained front boundary treatment made good. The front boundary treatment shall be maintained as such thereafter for the lifetime of the development. The maximum height of the retained front boundary treatment within the pedestrian visibility splay as detailed on the approved plan 'Drawing Number JN2653-

Dwg-0001A Proposed Site Access Arrangement' shall not exceed 0.6 metres and shall be maintained as such thereafter for the lifetime of the development.

Reason

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

6

Notwithstanding the details of the submitted application, prior to the first occupation/ use of the property as a children's home hereby approved final details of the electric vehicle charging point(s) shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interests of sustainable development and in order to accord with policies CS13 and MSGP15 of the Local Plan.

7

The electric vehicle charging point(s) approved under condition 6 shall be implemented wholly in accordance with the approved details prior to the first occupation/ use of the property as a children's home. The electric vehicle charging point(s) shall be retained thereafter for the life of the development.

Reason

In the interests of sustainable development and in order to accord with policies CS13 and MSGP15 of the Local Plan.

8

The secure and weatherproof cycle storage as detailed on the approved plan 'Drawing Number 3000 Revision P2 GA Plans' shall be implemented wholly in accordance with the approved details prior to the first use/occupation of the property as a children's home. The cycle parking provision shall be retained as such thereafter for the life of the development.

Reason

In the interests of sustainable development and in order to accord with policies CS13 and MSGP15 of the Local Plan, and the Gateshead Cycling Strategy 2015.

9

Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that order with or without modification) the permitted development rights of the development are removed in relation to the erection, construction, maintenance, improvement

or alteration of a gate, fence, wall or other means of enclosure along the front boundary of the site adjacent to Barmoor Lane.

Reason

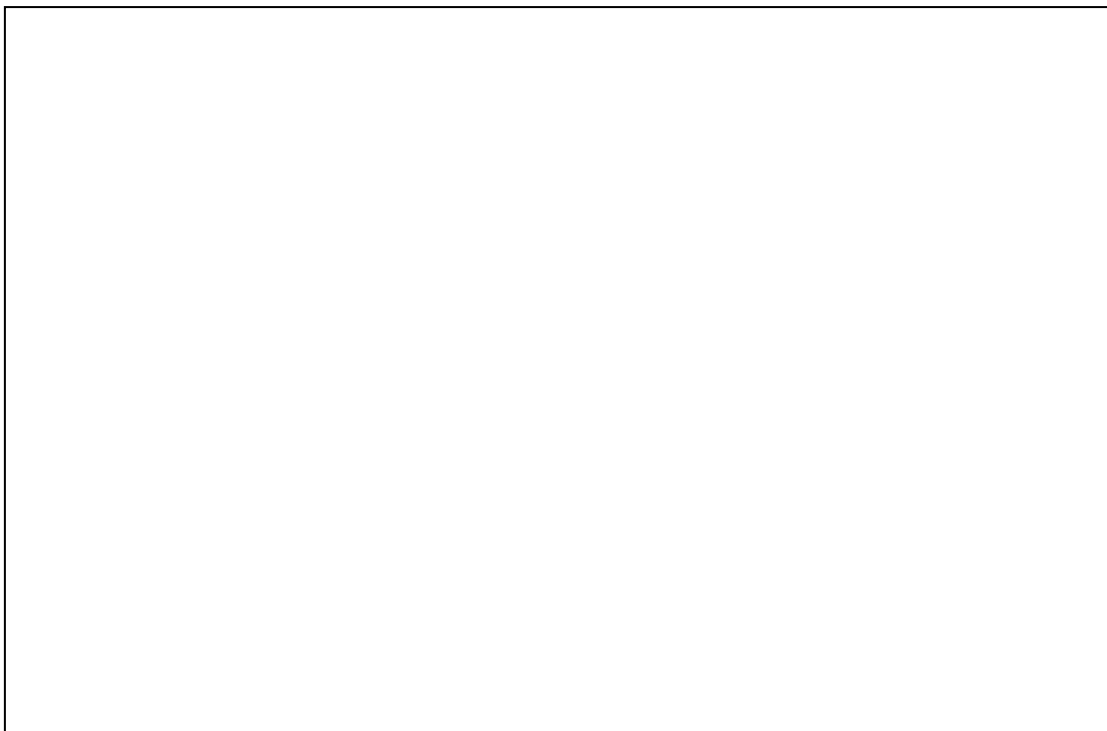
In the interests of highway safety and in order to accord with policies CS13 and MSGP15 of the Local Plan.

10

The property shall be used solely as a children's home under Use Class C2 (Residential Institutions) of the Use Classes Order 1987 (as amended) with a maximum occupancy of no more than four children at any time and staffing levels at the property to not exceed those detailed within the submitted Planning Statement reference: JP/LH/ER/5120NE/R001 at any time.

Reason

In the interests of residential amenity and highway safety and so as to accord with the NPPF and policies CS13, CS14, MSGP15 and MSGP17 of the Local Plan for Gateshead.



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Team Leader	Date
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Date Printed 02 June 2023

Committee Report

Application No:	DC/23/00253/FUL
Case Officer	David Morton
Date Application Valid	21 March 2023
Applicant Site:	Engineering Services (Highways) Council Land Adjacent To St Agnes Primary School Gateshead
Ward:	Crawcrook And Greenside
Proposal:	Construction of new highway (footpath) on existing Council land.
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF SITE

The planning application pertains to a narrow piece of land situated between the western boundary of St. Agnes School and the side of 38 Westfield Avenue, Crawcrook. The site in question is located north of the recent Story Homes development at Crawcrook South (Fairfield Manor).

1.2 Currently, the application site is unsurfaced. However, it exhibits signs of pedestrian usage, as observed during a recent site visit. It is important to note that the specific area in question does not have a definitive designation as a Public Right of Way (PROW) or an adopted highway.

1.3 DESCRIPTION OF APPLICATION

The Council owns the application site and is seeking permission for the creation of a formalized path. This involves surfacing a 1.8-meter-wide area with bituminous material. As the Highway Authority, the Council is required to obtain planning approval for the construction of a new footpath and the associated surfacing on this section of land. There is a separate process, under Section 24(2) of the Highways Act 1980, for the creation of highway is being carried out simultaneously with this Planning Application.

1.4 There is an existing hedge that extends both within the Council's land and the rear garden of number 38 Westfield Avenue. The applicant intends to retain the hedge, either entirely or partially. However, it is acknowledged that during the foundation works for the path construction, it is possible that some, if not all of the hedge may be lost.

1.5 The following documents have been submitted by the applicant in support of the application:

- Design and Access Statement.

1.6 RELEVANT PLANNING HISTORY

There is no planning history relevant to the current planning application.

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. Individual neighbour letters were sent to local residents and site notices were erected on 18 April 2023.

3.2 Eight letter of objection, one neutral response and one letter of support have been received.

3.3 The letter of objection/representation are summarised as follows;

- Appropriate notice and opportunity to object/make comment has not been offered;
- The cited location is incorrect;
- Queries regarding land ownership;
- Concerns regarding walking routes through the Story Homes (Fairfields Manor) estate;
- The path is not new;
- A fence is blocking access within the Story Homes (Fairfields Manor) estate;
- Concerns over the loss of the hedge;
- Concerns that a bituminous surface will not be safe; and
- The proposed development is not a good idea.

3.4 The letter of support is summarised as follows;

- The existing access is unsafe when wet or icy and it is hoped the works are completed as soon as possible.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP24 Design Quality

MSGP36 Woodland, Trees and Hedgerows

5.0 Assessment:

5.1 The key considerations to be taken into account when assessing this application are the impact the proposal will have on visual amenity, residential amenity, highway safety.

5.2 HIGHWAYS

The application site is un-surfaced and exhibits signs of pedestrian usage. The land does not have any established Public Rights of Way (PROW) or recognized highway designations. Furthermore, there have been no formal claims for highway rights through a Definitive Map Modification Order, either on this land or on adjacent areas that some of the objectors have referred to. The purpose of this application is to create a new footpath with appropriate surfacing on this specific section of land owned by the Council.

5.3 The applicant has stated that the path is intended to enhance access for schoolchildren and pedestrians in the immediate vicinity of St. Agnes Primary School. It will connect the school to the proposed highways within the Fairfield's Manor development, which, in turn, link to various existing highways and residential areas. The proposed path will be open for public use and accessible to all pedestrians.

5.4 Officers consider that the proposed path will serve as a valuable facility for pedestrians in the area, particularly for children traveling to and from St. Agnes School. The development aligns fully with national and local planning policies that prioritize infrastructure and provisions for sustainable modes of transportation.

5.5 The proposal is in complete accordance with the aims and objectives of the NPPF, as well as Policies CS13 and MSGP15 of the Local Plan.

5.6 VISUAL AMENITY

It is considered that the choice of materials in this case is entirely appropriate, as the use of bituminous material for urban pedestrian routes is commonly employed. Creating a formalized path would visually enhance the existing arrangement, which currently consists of bare earth.

5.7 While the potential loss of some or all of the hedge (adjacent to gable of No. 38 Westfield Avenue) cannot be ruled out due to the presence of roots, it is worth noting that the affected section of hedging is relatively small. Therefore, retaining it is not deemed visually significant enough to justify preservation. Additionally, considering its location on the boundary with 38 Westfield Road, it

may pose challenges to replace the hedge (if lost) due to land ownership issues.

5.8 Subject to a condition that specifies the use of the submitted materials and acknowledges the possible loss of hedging, the development is considered acceptable in terms of its appearance. Moreover, it is considered to be compliant with the aims and objective of the NPPF, as well as Policies CS15 and MSGP24 of the Local Plan.

5.9 RESIDENTIAL AMENITY

The proposed development aims to formalize an existing informal arrangement, namely the use of a land area by pedestrians. Although there would be some impact on local residents, such as noise created by the continued use of the route, primarily during school drop-off and pick-up times, it is deemed reasonable considering the proximity to the school.

5.10 Based on the assessment, it is the opinion of the officers that the proposed development would not result in an unacceptable impact on the living conditions of neighbouring residential properties. Furthermore, it complies with the aims and objectives of the NPPF, as well as Policies CS14 and MSGP17 of the Local Plan.

5.11 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 housing related. The development is not CIL chargeable development, therefore, this proposal would not be charged.

5.12 OTHER MATTERS

All neighbour notifications have been conducted in accordance with the formal procedures outlined in the Town and Country Planning (Development Management Procedure) Order 2015 and local guidelines. Any claims suggesting otherwise are both incorrect and irrelevant to the decision-making process.

5.13 Concerns regarding the site description and land ownership are noted. However, the red line boundary of the application site is deemed accurate, reflecting the extent of Council ownership, as confirmed by the Council's Property Services.

5.14 As mentioned previously, and reiterated here for clarity, the land associated with this planning application does not contain any established Public Rights of Way (PROW) or highway. No formal claims for highway rights have been made through a Definitive Map Modification Order, either on this land or on adjacent areas mentioned by some of the objectors.

5.15 The use of bituminous material for urban pedestrian routes is a standard practice both locally and nationally. Claims suggesting that this material would pose safety concerns are unfounded. Furthermore, the footpath will connect an

existing bituminous surface on Westfield Avenue to a recently constructed bituminous footpath within the Fairfields Manor development. Therefore, it is logical to surface this section of land with a matching material.

- 5.16 The concerns raised regarding the Story Homes development at Fairfields Manor (such as walking routes and fence erection) are not relevant to the red line boundary of the current application under consideration. These concerns pertain to matters that have already been reviewed and addressed as part of the approved (and now mostly built) Story Homes development.
- 5.17 It is considered that all other material planning consideration raised by objectors has been addressed within the main body of the report.

6.0 Conclusion

- 6.1 The application would see a formal pedestrian link established for local school children and the wider public and this will benefit and enhance sustainable travel choices in the local area.
- 6.2 Taking all the relevant issues into account, it is considered that the proposal is acceptable in terms of visual and residential amenity and highways, and would comply with the aims and objectives of the NPPF, and the Local Plan for Gateshead.

7.0 Recommendation:

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

TS-0572-002 - Proposed New Footpath (adjacent St Agnes Primary School).

TS-0572-001 - Footpath Works

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

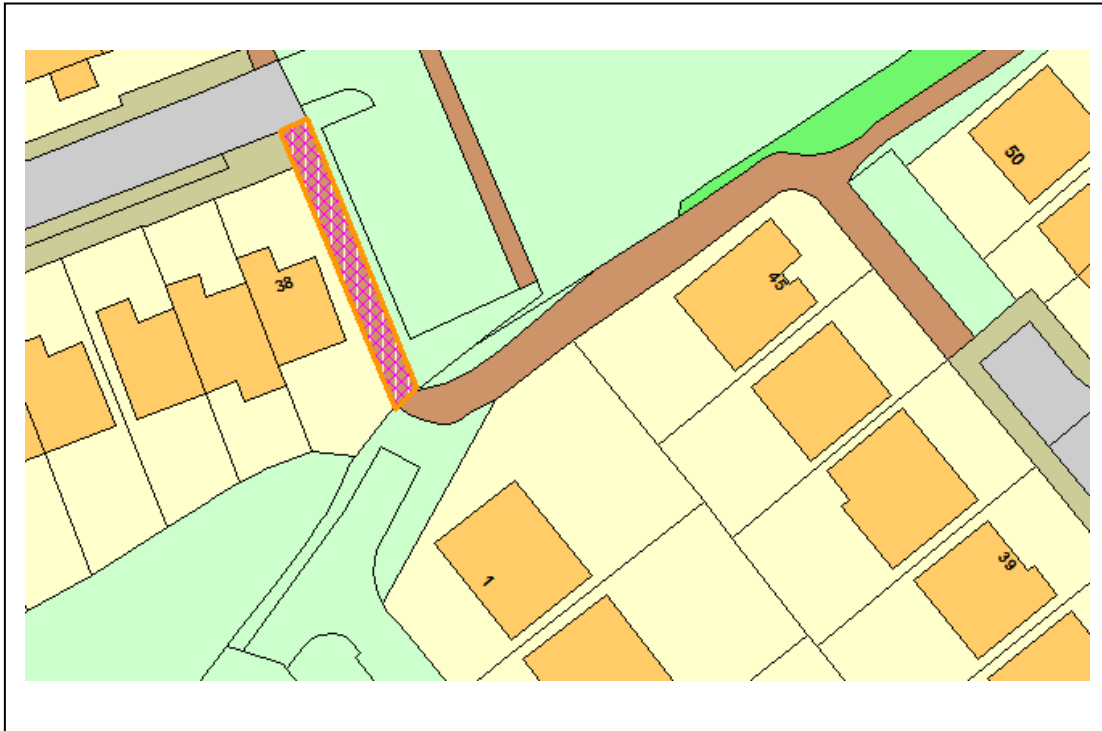
To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

The development hereby permitted shall be constructed entirely of the materials detailed and shown on plan number TS-0572-001 - Footpath Works.

Reason

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



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Committee Report

Application No:	DC/22/01336/FUL
Case Officer	David Morton
Date Application Valid	1 December 2022
Applicant	DAMF (NE) Ltd
Site:	Land At Highfield Road Rowlands Gill
Ward:	Chopwell And Rowlands Gill
Proposal:	Variation of Condition 1 of application DC/20/00069/REM to introduce amended plans as approved plans and documents, resulting in changes to layout and housetypes (additional information received 17/01/23, 19/01/23, 22/02/23 and 12/04/23 and amended plans received 18/01/23, 22/02/23 and 12/04/23).
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF SITE

The application site is located to the north of Wellfield Road, Rowlands Gill. The application site was formally occupied by Highfield School, the site has been cleared and the applicant has begun construction housing approved under applications DC/19/00279/OUT and DC/20/00069/REM.

1.2 Highfield Road itself bounds the site to the west, Smailes Lane is to the north and to the east there are the gardens of the neighbouring properties. The site is uneven, a clear slope can be seen to be directed from the northeast corner down to the southeast of the site; this is slope is also reflected in the surrounding streets.

1.3 The site is located within an established residential area with the surrounding streets largely characterised by private residential dwellings.

1.4 Following the grant of planning approval (DC/20/00060/OUT & DC/20/00069/REM), planning conditions have been discharged by the applicant and the development has commenced and large number of dwellings are approaching completion. The properties located furthest to the south of the site have not yet been commenced.

1.5 An adjacent development site is located to the northwest, there is an extant planning approval on this land (DC/20/00060/OUT).

1.6 DESCRIPTION OF APPLICATION

Following consideration by Planning and Development Committee outline planning permission was granted on this site for the erection of 13 dwellings, with all matters reserved - reference DC/20/00060/OUT granted October 2019 (the outline application).

- 1.7 Further, reserved matters approval relating to access, appearance, landscaping, layout and scale was granted in July 2020 following consideration by the Planning and Development Committee (DC/20/00069/REM (the reserved matters application). It is this reserved matters application that the current application seeks to amend.
- 1.8 The outline application included an indicative layout and the reserved matters application does not deviate significantly from the indicative layout. The application seeks to provide a mix of three (5no.) and four (8no.) bedroomed properties.
- 1.9 This application seeks approval of changes to the approved house types for plots 8 and 9. The amendments remove the ground floor single storey living area; and introduce of a lower ground floor area, to the rear elevation i.e. they would create a split-level living arrangement. However, there would be no changes to the front elevation, access or ridge height.
- 1.10 Further to the above, the application also seeks approval for a number of changes which have occurred during the construction process, these are summarised as follows;
 - House Type 01 proposed amendments:
 - Removal of small window to upper floor bathroom on front elevation.
 - Addition of rooflight to upper floor bathroom on front elevation.
 - Repositioning of 2no. rooflights on rear elevation to be in line with dormer windows.
 - Increase width of chimney stack on side elevation.
 - House Type 02 proposed amendments
 - Removal of small window to upper floor bathroom on front elevation.
 - Addition of rooflight to upper floor bathroom on front elevation.
 - Repositioning of 2no. rooflights on rear elevation to be in line with dormer windows.
 - Increase width of chimney stack on side elevation.
 - House Type 03 proposed amendments plots 8 and 9
 - Remove ground floor single storey living area
 - Include lower ground floor area to rear elevation
- 1.11 This application also seeks approval for a revised site layout plan to accommodate the proposed amendments to the house types. This indicates where it is proposed to reposition some of the houses within the plots and amend the plot boundaries and the 'handing' house type 02 on plot 3, plot 12 and plot 13.

3.2 Four letters of representation have been received, one neutral and three of objection including one from a Ward Councillor (Councillor Dave Bradford).

3.3 The letters are summarised as follows;

- Plot 1 is located closer to the rear than specified on the approved plans, this has resulted in an unacceptable amenity impact;
- The proposed properties are too large and overbearing;
- Trees have been removed from the site; and
- Drainage for the scheme is not adequate.

3.4 The objection from the Ward Councillor is summarised as follows.

- The development is taking a long time to complete; and
- There should be a retaining wall and drain to intercept water to the bottom of the site.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP29 Flood Risk Management

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP40 Provide/Enhance Open Space/Sport/Rec

5.0 Assessment:

5.1 The key considerations to be taken into account when assessing this application are the impact the proposal will have on visual amenity, residential amenity, ecology, highway safety and parking, ground conditions and flood risk.

5.2 PRINCIPLE

The principle of the development is firmly established through the approval of DC/19/00279/OUT and DC/20/00069/REM and has commenced on site. As set out above, the application seeks amendment to the approved layout and house types.

5.3 Range and Choice of Housing

Local Plan policy CS11(1) 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). It is considered that the proposed mix provides a good range and choice of accommodation, and all properties would be comprised entirely of family homes, with a mix of three and four bedroomed properties. Therefore, the layout complies with policy CS11(1).

5.4 Space standards

Policy CS11(4) of the Local Plan requires adequate space inside and outside of the home to meet the needs of residents and Policy MSGP12 also sets out that new homes should be built in accordance with the Nationally Described Space Standards (NDSS). The proposed development would fully comply with NDSS and would also comply with the requirements of Policy CS11(4) and MSGP12.

5.5 VISUAL AMENITY

As stated above, the proposed site layout largely mirrors that of the outline planning approval and the reserved matters approval. Further to this, the application offers what could only be proposed what could be considered minimal changes to the extant reserved matters application. Further, the scale and appearance of the proposed dwellinghouses is considered appropriate when considered alongside dwelling immediately adjacent to the application site. Final details of materials have been provided as part of the discharge of condition process, it is considered that a condition securing the use of the approved materials will need to be imposed (Condition 2).

5.6 Subject to the above condition it is considered that the development is acceptable in regard to its appearance, landscaping, layout and scale and the development is considered to comply with the aims and requirements NPPF, and policies CS15 and MSGP24 of the Local Plan.

5.7 RESIDENTIAL AMENITY

The most significant amendments to the scheme are those changes proposed to plots 8 and 9 located to the southern boundary of the property. It is proposed for these properties to be split level i.e. two storey properties when viewed from the front elevation and three storey when viewed from the rear. The applicant has indicated that the reasoning behind this change is to limit the level of terracing required to the rear of these properties and in order to better deal with changes in land levels. Land levels do fall away from the rear of plot 8 and 9 with falls of 1:4 and 1:5, respectively, within rear gardens. It is considered that the level of separation proposed between plot 8 and 9 and those properties to the south (5 - 8 Wellfield Road), is adequate to ensure that no unacceptable impact on outlook and/or privacy would occur.

- 5.8 Further to the above, given the separation distances afforded between the existing adjacent houses and the proposed development it is considered that the development, even taking into consideration the amendments proposed, would not cause any significant harm to the living conditions of adjacent residents through loss of light, overshadowing or visual intrusion. It is considered the proposed internal layout is acceptable and would allow future residents to experience acceptable living conditions.
- 5.9 Conditions were attached to the outline approval requiring the submission and approval of appropriate details in regard to hours of operation, location of the site compound (including locations for site vehicles and materials) and controls over dust and noise; these conditions have been discharged.
- 5.10 Officers are therefore of the opinion that subject to the condition attached to the outline and the above assessment, the proposed development would not have an unacceptable impact on the living conditions of adjacent residential properties and the living conditions of the future occupiers of the proposed houses. It is therefore considered that the development is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, and Policies CS14 and MSGP17 of the Local Plan.
- 5.11 **HIGHWAY SAFETY AND PARKING**
The proposed access, and highway and parking arrangements remain the same as the approved reserved matters approval.
- 5.12 It is considered that the location of the indicated site access is appropriate, and the final design of the site access is acceptable. Further the layout of the development is considered to provide an appropriate level of parking and would allow the turning of large vehicles i.e. refuse collection vehicles.
- 5.13 Details of weatherproof cycle storage and facilities for electric charging for each property were secured via the outline planning approval, these conditions have been discharged.
- 5.14 The proposal would comply with the aims and requirements of the NPPF and Policies CS13 and MSGP15 of the Local Plan.
- 5.15 **TREES**

An amended Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and tree protection plan have been submitted in support of the application.

5.16 The application now proposes that the only trees to be retained are those located to the southern boundary of the site. However, the applicant has indicated that additional tree planting will be provided within garden areas to compensate for the loss of five additional trees within the boundaries of plots 8 and 9.

5.17 Officers consider the compensatory planting to be proportionate and acceptable. It is considered that the proposed development is acceptable in terms of impact on the existing trees and accords with the aims and objectives of the NPPF and Policies CS18 and MSGP36 of the Local Plan.

5.18 ECOLOGY

At outline stage, an appropriate/proportionate scheme of on and offsite mitigation and compensation measures were approved by way of planning conditions and obligations (S106).

5.19 The planning condition required the submission of a biodiversity method statement. The S106 agreement required the creation of circa 0.35ha of species rich early successional brownfield habitat and the restoration/enhancement of circa 0.08ha of early successional brownfield habitat/species poor semi-improved grassland on land to the southeast of Derwenthaugh Road, Swalwell.

5.20 On the basis of the above, the proposal would comply with the aims and requirements of the NPPF and Policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.

5.21 GROUND CONDITIONS

An appropriate level of contaminated land information has been provided at outline and discharge of condition stage in the form of a Phase II site investigation and a remediation strategy. As such, no further information is required. The proposal would comply with the aims and requirements of the NPPF, and Policies CS14 and MSGP20 of the Local Plan for Gateshead.

5.22 FLOOD RISK/DRAINAGE

To prevent the increased risk of flooding from the development, conditions pertaining to drainage were attached to the original outline application. Further to this, an amended/updated drainage assessment based on the amended layout has been submitted in support of the application.

5.23 The assessment determined that infiltration drainage is not feasible for the development due to impermeable conditions. The closest watercourse, Low Spen Burn, is located approximately 150m north of the site. However, due to the significant level of development surrounding the site, it is not deemed suitable for surface water discharge. Instead, it is proposed to discharge surface water flows at a maximum rate of 5 l/s to the existing NWL combined

water sewer located west of the site on Highfield Road. Additionally, surface water from the rear half of dwellings 8 and 9 will be discharged to the existing NWL combined water sewer on Wellfield Road. The implementation of SuDS (Sustainable Drainage Systems) source control will involve the use of permeable paving, with attenuation being provided through voids within the permeable paving sub-base and attenuation crates. The information submitted by the applicant has been interrogated by officers and by NWL, it is considered that the drainage scheme provided is acceptable and in accordance with national and local planning policy.

- 5.23 In addition to the above, the applicant has provided an overland flow drainage model, this was required to predict the behaviour of surface water runoff if a failure of the drainage system were to occur. The model has assessed the flow patterns and potential flood risk associated with surface water runoff across the site and changes to land and dwelling finished floor levels have occurred to direct any potential flooding away from existing or proposed dwellings. Again, the detailed provided by the applicant is considered to be acceptable and demonstrates that the proposed development does not pose an unacceptable flood risk impact.
- 5.24 In order to ensure the effectiveness of the proposed drainage system, it is considered necessary for a Drainage Verification Report for the installed surface water drainage to be submitted to and approved in writing by the LPA (Condition 5).
- 5.25 Subject to the conditions set out above, it is considered that the proposal would comply with the aims and requirements of Policies CS17 and MSGP29 of the Local Plan for Gateshead.
- 5.26 **OPEN SPACE/PLAY PROVISION**
The neighbourhood area to which the application site belongs is identified as having an adequate level of open space, and the relevant accessibility standards are also met given the location nearby areas of public open space. As such this is in accordance with the policy requirements of MSGP40 and it is unlikely that open space contributions would be required.
- 5.27 It is considered that the proposed development provides links to the wider area and also provides adequate opportunity within the site for small areas of play as well as generous garden areas.
- 5.28 An area of amenity green space has been provided on site, this is considered adequate in order to address the requirements for Policy MSGP40 of the Local Plan.
- 5.29 **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 housing related. The development is located within

Charging Zone C, with a levy of £0 per square metre for this type of development. Therefore, this proposal would not be charged.

5.30 OTHER MATTERS

It is noted that one objection references the time taken to complete the development. This matter is not a material planning consideration and as such cannot be afforded any weight in the decision-making process. This being said, the development has indicated that subject to the approval of planning permission, it is their intention to complete the development this year.

5.31 It is considered that all other material planning consideration raised by objectors has been addressed within the main body of the report.

6.0 Conclusion

6.1 The proposal would result in the redevelopment of previously developed land that would contribute to the Borough's housing stock. Further, consideration has been offered to the development proposed on the wider housing allocation (DC/20/00060/OUT) and it is considered this proposal would not inhibit the development proposed.

6.2 Taking all the relevant issues into account, it is considered that the proposal is acceptable in terms of visual and residential amenity, highway safety and parking, ecology, flood risk, ground conditions, trees, and open space/play provision, and would comply with the aims and objectives of the NPPF, and the Local Plan for Gateshead.

7.0 Recommendation:

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

- 25830 5100 P01 - HT01 - Proposed Elevations
- 25830 5200 P01 - HT02 - Proposed Elevations
- 25830 3315 P01 - HT02 - Proposed Floor Plans
- 25830 3215 P01 - HT02 - Proposed Ground Floor Plan
- 25830 3300 P01 - Proposed House Type 3
- 25830 3105 P09 - Proposed Landscape & Roof Plan
- 25830 3100 P10 - Proposed Site & Location Plan
- Pre-Development BS5837 Arboricultural Implications Assessment Former Highfields School - Woodsman Arboricultural Consultancy - 05 April 2022
- Highfield Road, Rowlands Gill Drainage Strategy (JCC19-225-C-02 Rev 14) - James Christopher Consulting - April 2023

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 hereby permitted shall be constructed entirely of the materials detailed and approved as part of 20/00069/DOC1 (Approved 12 September 2022).

Reason

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

3

Prior to the occupation of any unit hereby approved a SuDS information and communication plan, including an information pack for residents shall be submitted to and approved in writing by the LPA.

Reason

In order to inform/educate residents about the SuDS drainage system (including in curtilage permeable paving) associated with the site in order to comply with the NPPF, and policies CS17 andMSGP29 of the Local Plan for Gateshead.

4

At the point of occupation of any unit hereby approved, the SuDS information and communication plan approved under condition 3, shall be provided to the occupants of each dwelling.

Reason

In order to inform/educate residents about the SuDS drainage system (including in curtilage permeable paving) associated with the site in order to comply with the NPPF, and policies CS17 andMSGP29 of the Local Plan for Gateshead.

5

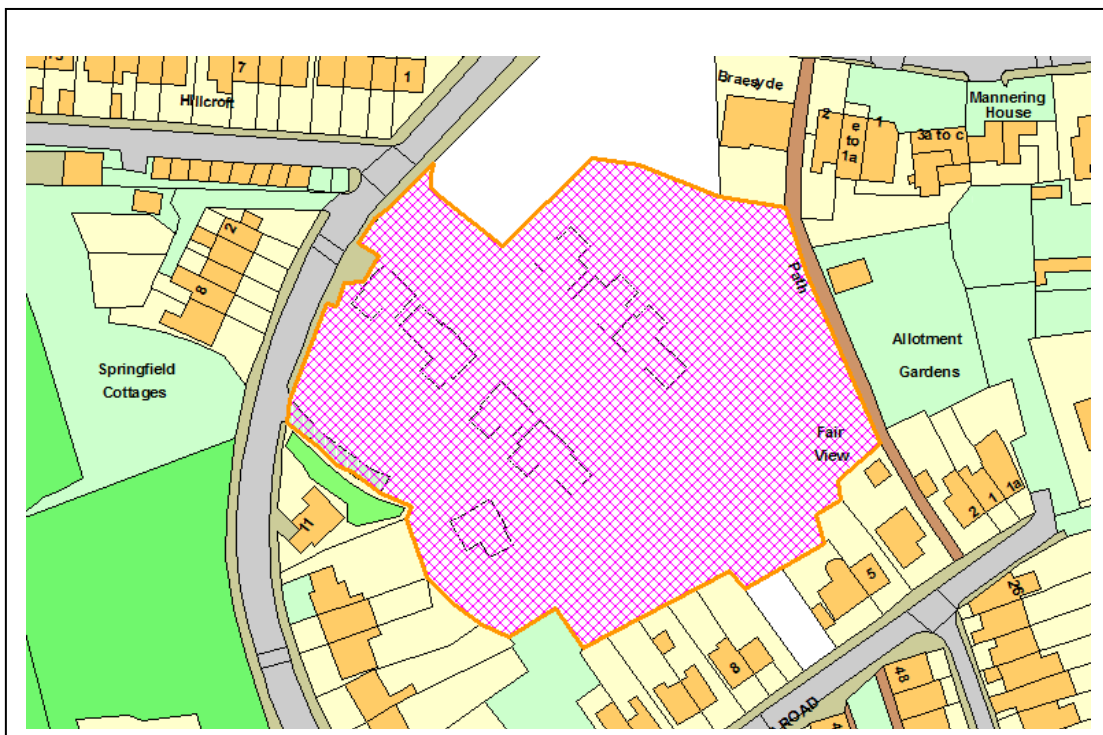
No dwellinghouse hereby approved shall be occupied until a Drainage Verification Report (DVR) for the installed surface water drainage system based upon the approved Drainage Strategy (Highfield Road, Rowlands Gill Drainage Strategy (JCC19-225-C-02 Rev 14) - James Christopher Consulting - April 2023) has been submitted in writing by a

suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority (LPA). The DVR shall include:

- i. Demonstration that any minor departure from the approved design complies with the approved principles and that the modelled volumetric capacity has been achieved;
- ii. Appropriate evidence to demonstrate the preferential exceedance flow path between plots 9 and 10 has been created and that the crated tank has been formed in accordance with manufacturer's literature;
- iii. Results of any performance testing undertaken; and
- iv. Copies of any Statutory Approvals e.g. Land Drainage Consent for Discharges.

Reason

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



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

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON:

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

Application ref.	Nature of proposed development	Location of proposed development	Decision	Ward
DC/22/00080/FUL	Demolition of existing building and construction of single dwellinghouse (additional information received 12.09.22, 24.10.22, 03.11.22, 10.01.2023, 20.02.2023 and 27.03.2023)	South Leam Farm , Leam Lane,	Refused;	Windy Nook And Whitehills
DC/22/00325/FUL	Installation of an 8m tall external extractor stack and two air conditioning units to the rear of 490 Durham Road.	490 Durham Road, Gateshead,	Granted;	Low Fell
DC/22/00482/HHA	Proposed rear single-storey pitched roof extension (description amended to remove proposed second driveway)	5 Napier Way, Axwell Park,	Granted;	Blaydon

DC/22/01348/HHA	New windows to side elevation (as amended 27.03.23)	140 King Oswald Drive, Blaydon On Tyne,	Granted;	Ryton Crookhill And Stella
DC/22/01357/HHA	Two storey front and side extension (amended description 24.05.2023)	15 Springsyde Close, Wickham,	Refused;	Wickham South And Sunniside
DC/22/01390/FUL	Continued siting of single storey building to provide nursery with ramped public access path.	St Mary And St Thomas Aquinas RC Primary School, Stella Lane,	Temporary permission granted;	Ryton Crookhill And Stella
DC/23/00005/HHA	Part two storey extension to side and rear extension (amended description 30.03.2023)	85 Dominies Close, Rowlands Gill,	Granted;	Chopwell And Rowlands Gill
DC/23/00007/HHA	Side/rear first floor extension	19 Grange Lane, Newcastle Upon Tyne,	Granted;	Wickham South And Sunniside
DC/23/00099/CPL	Conversion of garage to habitable space and associated works	14 Maple Road, Bleach Green,	Granted;	Blaydon
DC/23/00122/HHA	The construction of an additional floor on top of the existing main building footprint.	5 Holmside Terrace, Sunniside,	Refused;	Wickham South And Sunniside
DC/23/00128/HHA	Proposed installation of solar panels on the south facing roof elevation	5 Saltwell Gardens, Shipcote,	Granted;	Saltwell

DC/23/00139/FUL	Conversion of dwellinghouse to two flats (Amended Plans received 21.04.2023).	393 Brighton Road, Gateshead,	Granted;	Saltwell
DC/23/00152/HHA	Proposed garage conversion including flat to pitched roof and rear single storey extension.	5 Grasmere, Birtley,	Granted;	Birtley
DC/23/00155/LBC	LISTED BUILDING CONSENT: Proposed replacement of existing single glazed sash and casement windows with double glazed timber traditional sliding sash and casement windows, redecorating of existing gutters and downpipes and new door opening to former window opening on west elevation (window details submitted 24.04.2023 and 19.05.2023).	Vigo House, Vigo Lane,	Granted;	Birtley
DC/23/00165/HHA	Proposed demolition of the existing garage, erection of new rear boundary wall and associated works (re-submission of DC/22/00100/HHA)	45 Cedar Crescent, Gateshead,	Granted;	Low Fell
DC/23/00173/HHA	Proposed garage conversion and new bay windows to front elevation	25 Wynbury Road, Gateshead,	Granted;	High Fell

DC/23/00174/COU	Change of use of dwellinghouse to mixed use as dwellinghouse and aesthetic beauty business (retrospective application).	22 Lister Avenue, Gateshead,	Granted;	Dunston And Teams
DC/23/00178/HHA	Proposed single storey side and rear extension and single storey rear extension (Revision of DC/22/00001/HHA for a 2 storey side extension)	9 Humber Gardens, Gateshead,	Granted;	Deckham
DC/23/00191/COU	Erection of wooden hut in rear garden for use as hair services (retrospective application).	40 Queens Court, Gateshead,	Granted;	Dunston And Teams
DC/23/00189/HHA	Proposed detached garden room in rear garden	6 Alderley Road, Gateshead,	Granted;	Low Fell
DC/23/00193/FUL	Installation of new shopfront including cement cladding panels to front and side elevations (retrospective application).	Happy Buddah, 1 - 2 Durham Road,	Refused;	Birtley
DC/23/00194/ADV	Continued display of internally illuminated fascia sign and lettering on Durham Road elevation and an internally illuminated circular sign on the corner of Durham Road and Orchard Street.	Happy Buddah, 1 - 2 Durham Road,	Refused;	Birtley

DC/23/00195/HHA	Single storey rear extension and two storey side extension	4 Rose Avenue, Newcastle Upon Tyne,	Granted;	Whickham North
DC/23/00196/COU	Change of use from pub to multilingual library including classrooms and meeting rooms on upper floor, and installation of flagpole at front of building (already commenced) (amended site layout received 18.05.2023 and description amended 24.05.2023)	Gloucester Hotel, High West Street,	Granted;	Bridges
DC/23/00198/HHA	Proposed two storey side extension with external staircase providing inset open air seating area to first floor and a car port to ground floor	The Croft, Saltwell Road South,	Granted;	Low Fell
DC/23/00205/FUL	Siting of shipping container for storage of gardening equipment for Highfield Village Community Action Group.	Land To The South Of Red Kite Way, Highfield,	Granted;	Chopwell And Rowlands Gill
DC/23/00206/HHA	Single storey extension to the rear of property and works to existing garage (resubmission)	13 Mayfield, Newcastle Upon Tyne,	Granted;	Whickham North
DC/23/00208/FUL	Installation of new roof plant to Wards 14 and 14A (retrospective application).	Queen Elizabeth Hospital, Queen Elizabeth Avenue,	Granted;	High Fell

DC/23/00226/HHA	Single storey rear extension.	95 Chaucer Close, Gateshead,	Granted;	Bridges
DC/23/00228/HHA	The demolition of existing conservatory, proposed external and internal alterations including replacing hardstandings and rendering to dwelling (amended description 10.05.2023)	11 Southlands, Gateshead,	Granted;	Lamesley
DC/23/00254/CPL	Rear porch/ WC extension	13 Strothers Terrace, High Spen,	Granted;	Winlaton And High Spen
DC/23/00234/HHA	The supply and installation of a modular metal mesh access ramp to allow disabled access to and from front door of domestic property and new associated paving	62 Kendal Crescent, Gateshead,	Granted;	High Fell
DC/23/00236/TDPA	DETERMINATION OF PRIOR APPROVAL: Installation of 1No 15.0m Phase 8 Monopole and associated ancillary works.	Oakfield Road Streetworks, Oakfield Road,	Refused;	Whickham North
DC/23/00242/TDPA	DETERMINATION OF PRIOR APPROVAL: Proposed NTQ telecommunications installation; Proposed 30m high Valmont climbable monopole and associated ancillary works.	Portobello Industrial Estate , Shadon Way ,	Granted;	Birtley

DC/23/00243/TDPA	DETERMINATION OF PRIOR APPROVAL: Proposed 15.0m Phase 8 Monopole and associated ancillary works.	Meresyde , Wardley ,	Refused;	Pelaw And Heworth
DC/23/00244/TDPA	DETERMINATION OF PRIOR APPROVAL: Proposed 15.0m Phase 8 Monopole and associated ancillary works.	Clockmill Road , Dunston ,	Refused;	Dunston And Teams
DC/23/00252/HHA	Extension to front of garage forming utility room, sunroom and moving front door to front elevation of house.	23 Western Way, Ryton,	Granted;	Ryton Crookhill And Stella
DC/23/00262/TDPA	DETERMINATION OF PRIOR APPROVAL: Installation of 1No 15m high slim-line monopole, supporting 6 no. antennas, 3 no. equipment cabinets and ancillary development thereto.	Land Opposite Greenside Methodist Church, Lead Road,	Refused;	Crawcrook And Greenside
DC/23/00269/LBC	LISTED BUILDING CONSENT: Bridge repairs including to cast iron elements and bridge deck.	The High Level Bridge, Wellington Street,	Granted;	Bridges

DC/23/00273/TDPA	DETERMINATION OF PRIOR APPROVAL: Removal of 1No 17.5m monopole and associated compound. Installation of 1No replacement base station and 1No 25m lattice sharable mast, with mounted headframe to host 6No Antenna and 2No 600mm dishes. Installation of a new perimeter fence and the addition of 7no. new cabinets. Ancillary development thereto.	Jacky's Plantation, Greenside,	Refused;	Crawcrook And Greenside
DC/23/00293/HHA	Single Storey Rear Extension	3 Hartington Street, Gateshead,	Granted;	Bridges
DC/23/00298/HHA	Proposed single storey rear extension and addition of roof lights to front and rear elevation. Addition of pitched roof to existing front porch.	8 Redewater Gardens, Whickham,	Granted;	Whickham North
DC/23/00278/CPE	CERTIFICATE OF LAWFULNESS FOR EXISTING USE OR DEVELOPMENT: Use of property as residential childrens care home (use class C2).	Fairways Care Home, 279 Easedale Gardens,	Granted;	Lamesley

DC/23/00279/CPL	CERTIFICATE OF LAWFULESS FOR PRPOSED USE OR DEVELOPMENT: Use of the property as a residential care home for up to four children aged between five and eighteen years old, with care being provided by support staff onsite (Use Class C2).	272 Saltwell Road, Gateshead,	Withdrawn;	Saltwell
DC/23/00281/HHA	single story rear extension	8 Dodds Terrace, Northside,	Granted;	Lamesley
DC/23/00285/FUL	Installation of four rapid electric vehicle charging stations within car park, six existing parking spaces to become EV charging bays, along with associated equipment (one of the four EV charging bays will be fully accessible, allowing for unrestricted access to one EV charger with 1.2m access on 3 sides of the parking bay).	Dfs, Metro Park West,	Granted;	Whickham North
DC/23/00289/TDPA	DETERMINATION OF PRIOR APPROVAL: The removal of 1No existing 17.6m monopole, and associated compound. Installation of replacement base station, including 1No 30m lattice sharable mast, 6No antennas, 2No 600mm dishes, 7No cabinets, and ancillary development thereto.	Land Opposite Grove Terrace, Sunnyside,	Refused;	Whickham South And Sunnyside

DC/23/00310/ADV	Display of temporary Great North Run sign on eastern side of the Tyne Bridge for a period of twelve weeks (ten weeks before the event and two after).	The Tyne Bridge, High Street,	Temporary permission granted;	Bridges
DC/23/00311/LBC	LISTED BUILDING CONSENT: Display of temporary Great North Run sign on eastern side of the Tyne Bridge for a period of twelve weeks (ten weeks before the event and two after).	The Tyne Bridge, High Street,	Granted;	Bridges
DC/23/00359/NMA	Proposed non-material amendment of application DC/19/00813/REM to allow addition of solar panels to roofs on plots 13-119 and 121-130 in order to comply with new building regulations, the substitution of a single garage with a double garage on plot 120 and associated relocation of the visitor parking bay and driveway widening, and changes to approved materials on plots 1, 12, 13, 17, 51, 52, 78, 83, 96, 97, 103 and 119 (description amended 11.05.2023) (amended plans received 10.05.2023, 12.05.2023).	Former Wardley Colliery Offices, Wardley Lane,	Granted;	Wardley And Leam Lane

DC/23/00358/TREE	Tree pruning at 108 Church Road.	108 Church Road, Gateshead,		Low Fell
DC/23/00383/REG5	Removal and replacement of 3No antennas and 1No equipment cabinet with associated ancillary works thereto	Orange Portabello, Coopers Limited,		Birtley
DC/23/00365/TREE	Various tree works at Stamullen, Whickham NE11 9QH	Stamullen, Whickham Highway,		Dunston Hill And Whickham East
DC/23/00370/DEM	DETERMINATION OF PRIOR APPROVAL: Demolition of former residential care home.	Shadon House, Northumberland Place,	Granted;	Birtley
DC/23/00373/TREE	To fell tree located to the front of Oak Cottage Blackhouse Lane.	Oak Cottage, Blackhouse Lane,		Ryton Crookhill And Stella
DC/23/00379/NMA	Proposed non-material amendment of application DC/20/00197/FUL to allow repositioning of plots 2-7 and substitution of plot 5 house type to house type 6.	Land Rear Of 'The Cottage', Gateshead Road,	Granted;	Whickham South And Sunniside

DC/23/00392/DEM	DETERMINATION OF PRIOR APPROVAL: Demolition of existing Derwentwater Court apartment building at Derwentwater Road, Gateshead, as well as all associated hard landscaping and site internal walls.	Derwentwater Court, Bensham,	Granted;	Lobley Hill And Bensham
DC/23/00406/NI	NOTIFICATION OF INTENTION: Remove 3no. antenna fixed to existing mast at 29m and removal of 3no. antennas fixed to existing mast at 15m followed by the installation of 3no. replacement antenna at 31m together with ancillary development thereto.	Existing Telecommunications Installation, Rear Of B G Depot,		Blaydon
DC/23/00414/TREE	To prune light epicormic growth on tree located in the grounds of 327 Durham Rd	St Georges Vicarage, 327 Durham Road,		Low Fell

TITLE OF REPORT: Enforcement Team Activity

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

Purpose of the Report

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

Background

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

Recommendations

- It is recommended that the Committee note the report.

Within the date range commencing 04.05.23 and ending 30.05.23 the enforcement team has received 122 new service requests. The enforcement team currently has 630 cases under investigation.

TYPE OF SERVICE REQUEST	NEW SERVICE REQUESTS RECEIVED	CASES ALLOCATED TO OFFICER	CASES RESOLVED	UNDER INVESTIGATION	PENDING PROSECUTIONS
Planning	27	10	33	279	0
Empty/vacant properties & sites	5	5	0	62	0
Highways	20	2	13	160	0
Abandoned vehicles	44	11	49	11	0
Waste investigations	26	26	20	118	0

TOTALS	122	54	115	630	0
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COURT HEARINGS

The Big Wish Ltd were prosecuted in the magistrates Court on May 17th following a number of unauthorised advertisements for the 'Winter Wonderland' event at Newcastle Racecourse which were located around the borough. The company had been advised in writing of their legal obligations that displaying adverts without authorisation was an offence. Despite efforts to secure compliance the adverts remained in situ without authorisation.

The defendants did not attend court and no correspondence was offered to the court in advance of the hearing. An application was made to the court for it to be heard in the company's absence. The case was found in the Council's favour with **a Fine of £1500, Costs of £393.05 and a Surcharge of £600. The Total of £2493.05 to be paid in full in 28 days.**

Contact: Elaine Rudman extension 7225

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**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**

14th June 2023

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	Case History	Current Update
Page 61	1. Blaydon Quarry Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th December 2019	<p>Blaydon Quarry is in breach of several planning conditions. A Notice has been served in relation to condition 23 to require installation of a drainage system. The Council has designed an acceptable scheme to be installed in the interests of surface water drainage and to enable the safe and successful restoration of the site.</p> <p>A site visit was undertaken on the 4th June 2019, 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>	<p>04.05.2023 – Site meeting took place with with owner, Environment Agency, Planning, Enforcement and consultant on 03.05.23.</p> <p>Agreed on action that is required by owner to ensure compliance and required timescales. Ongoing monitoring in place to ensure the works continue and conditions are met.</p>
	Blaydon Quarry Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th October 2019	<p>Blaydon Quarry is in breach of several planning conditions. A Notice has been served in relation to condition 24 to require installation of the previously approved drainage system on the southern boundary, in the interests of surface water drainage and to enable the safe and successful restoration of the site.</p> <p>A discharge of condition application has been submitted in relation to condition 24 for the Council to assess.</p> <p>An appeal has been submitted in relation to the enforcement notice.</p> <p>Wardell Armstrong on behalf of the Operator has withdrawn the Enforcement Appeal.</p> <p>February 2023 - Development management have engaged a minerals and landfill specialist consultant to consider the current planning status of this development and determine an appropriate course of action should further enforcement activity be required.</p>	<p>04.05.2023 – Site meeting took place with owner, Environment Agency, Planning, Enforcement and consultant on 03.05.23.</p> <p>Agreed on action that is required by owner to ensure compliance and required timescales. Ongoing monitoring in place to ensure the works continue and conditions are met.</p> <p>.</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	Case History	Current Update
3.	81 Dunston Road, Gateshead NE11 9EH	Dunston and Teams	Untidy Land	25 th July 2019	25 th July 2019	22 nd August 2019	03 rd October 2019	<p>Complaints have been received regarding the condition of the property which is considered to have a detrimental impact on the visual amenity of the area. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the hedge be cut, all boarding removed from windows and the windows and frames made good. It also required that all the guttering and down pipes be re attached to the building.</p> <p>Update 08.02.2023 - Building work has commenced at the rear of the property. Old kitchen has been demolished in preparation for the new development. Gable wall is being repointed.</p>	31.05.2023 – Ongoing monitoring to ensure works continue. Good progress being made with refurbishment of the property.
4.	Dynamix Albany Road Gateshead	Bridges	Unauthorised change of use	13 th October 2020	13 th October 2020	17 th November 2020	18 th May 2021	<p>Complaints have been received regarding the change of use from a vacant warehouse to a mixed use comprising skate park, residential planning unit and storage of building and scrap materials therefore, an Enforcement Notice has been issued requiring the unauthorised use of the land to cease and all materials and vehicles be removed from the land</p> <p>The occupier of the site has appealed the notice to the planning inspectorate</p> <p>The Appeal has been determined and the Notice has been upheld.</p> <p>Section 330 Notices have been served to determine interests in land by all parties known to be involved with the site. This information will be used as the basis for further enforcement action.</p> <p>Notices have not been responded to and are being pursued.</p> <p>Site visit took place in March with landowner's agent in attendance. No works have been undertaken by the site leaseholder to comply with the notice and further unauthorised uses on site were identified. The landowner has confirmed that use rights were not to extend beyond 31st March 2023. Agreed with the landowner that the unauthorised uses</p>	31.05.2023 – Ongoing monitoring to ensure compliance. Site visit arranged with Owner and agent for 01.06.23

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	Case History	Current Update
								taking place on the land and in the buildings must cease and the site must be fully cleared not later than 31st May 2023. Ongoing monitoring to ensure compliance.	
5.	Dynamix Albany Road Gateshead	Bridges	Untidy Land	27 th August 2021	27 th August 2021	27 th September 2021	27 th December 2021	<p>Complaints have been received regarding the condition of the land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring all waste be removed from the land, the mounds of rubble be removed to ground level and all the graffiti cleaned from the building.</p> <p>Section 330 Notices have been served to determine interests in land by all parties known to be involved with the site. This information will be used as the basis for further enforcement action.</p> <p>Notices have not been responded to and are being pursued.</p> <p>Site visit took place in March with landowner's agent in attendance. No works have been undertaken by the site leaseholder to comply with the notice and further unauthorised uses on site were identified. The landowner has confirmed that use rights were not to extend beyond 31st March 2023. Agreed with the landowner that the unauthorised uses taking place on the land and in the buildings must cease and the site must be fully cleared not later than 31st May 2023. Ongoing monitoring to ensure compliance.</p>	31.05.2023 – Ongoing monitoring to ensure compliance. Site visit arranged with Owner and agent for 01.06.23
6.	Kwik Save, High Street, Felling	Felling	Building and land in ruinous and dilapidated condition	27 th April 2022	27 th April 2022	18 th May 2022	5 th September 2022	<p>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.</p>	<p>31.05.2023 – Work is continuing to progress demolition costs and methodology by construction services.</p> <p>On 12.05.2023 Representatives of the Council, Northumbria Police and Tyne and Wear Fire and Rescue Service met on site to examine the condition of the building and consider further opportunities to restrict access and minimise the</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	Case History	Current Update
								<p>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. –</p> <p>Works progressing to determine costs of demolition and consideration being given to issuing community protection warning in conjunction with TWFRS and Northumbria Police</p> <p>Construction services instructed to progress to tendering stage for demolition</p>	impact of ongoing ASB. Work is ongoing to provide a legal remedy.
7.	Jack and Jo's Nursery Garden, Middle Hedgefield Farm, Blaydon on Tyne, NE21 4NN	Ryton, Crookhill and Stella	Without planning permission, the erection of a timber building to provide café with associated raised deck, canopy and smoking shelter and the installation of access railings and steps	22 nd May 2023	24 th May 2023	28 th June 2023	<p>28th October 2023 - removal of all structures</p> <p>28th November 2023 - removal of all resultant debris</p>	<p>Complaints were received regarding the erection of an unauthorised building for use as a café.</p> <p>A retrospective planning application was submitted. It was refused on 28.2.22.</p> <p>An appeal was submitted to the Planning Inspectorate in relation to the planning refusal. The appeal was dismissed.</p> <p>An amended scheme/application was submitted to the Council on 14.10.22 and refused by Committee on 17.5.23.</p> <p>As two applications have been refused and giving weight to the appeal dismissed by the Planning Inspectorate it was considered expedient to take enforcement action and an Enforcement Notice has been served.</p> <p>The notice requires the removal of the unauthorised structures (café building, raised deck, smoking shelter, canopy and steps).</p>	If an appeal is to be made it will need to be lodged with the Planning Inspectorate prior to the enforcement notice coming in to effect on 28 June 2023.
8.	31 Cromer Avenue Gateshead NE9 6UL	Chowdene	Untidy Land	31 st May 2023	31 st May 2023	31 st May 2023	<p>28th June 2023 – cut back all weeds, brambles, bushes, shrubs and long grass.</p> <p>12th July 2023 –</p>	<p>Complaints have been received regarding the condition of the rear garden of the property. The property has been vacant for several years. The owner has failed to take reasonable steps to maintain the vegetation within the premises in such a manner to prevent detriment to the amenity of the area and the quality of life of others in the locality. Notices have been issued pursuant to section 43 of the Anti Social Behaviour, Crime and Policing Act</p>	The recipient of the notice has a right of Appeal to the Magistrates Court within 21 days from the date the notice takes effect.

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	Case History	Current Update
							Remove all resultant rubbish and debris	2014 on the landowner requiring certain steps to be taken to prevent nuisance or detriment to the amenity of others.	

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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/22/00900/FUL - The Cottage, 18 Talbot Terrace, Birtley Central, Birtley, Gateshead, DH3 2PQ
Erection of canopy over front entrance and glass balustrade around front boundary to create seating/waiting area, including alterations to stepped frontage (part retrospective).

This was a delegated decision refused on 13 December 2022

DC/23/00211/ADV - Land Adjacent Blaydon Railway Staff Social Club, Tyne Street, Blaydon, NE21 4JB

Display of 1No freestanding 48-sheet LED advertisement display

This was a delegated decision refused on 2 May 2023

Appeal Decisions

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

DC/22/00971/TDPA - Coatsworth Road (west Of Coatsworth Court), Gateshead, NE8 1PU

DETERMINATION OF PRIOR APPROVAL: Installation 16.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.

This was a delegated decision refused on 19 October 2022

Appeal allowed 15 May 2023

Appeal Costs

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

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/21/00595/TPO	42 Woodlands Park Drive Axwell Park Blaydon NE21 5PQ	Tree works at 42 Woodlands Park Drive (amended 11/06/21)	Written	Appeal in Progress
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)	Written	Appeal in Progress
DC/21/01368/FUL	Land To The West Of Sainsburys Supermarket Eleventh Avenue Team Valley Gateshead	Construction of a building for flexible employment-based development for B8 (Storage and Distribution) or as a Builders' Merchant (Sui Generis), with associated hardstanding, parking and landscaping (amended/additional information received 25 May 2022, 1 August 2022, 31 August 2022, 8 September 2022, 15 September 2022, 30 September 2022 and 14 October 2022 and amended description 19 August 2022).	Written	Appeal in Progress
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	Written	Appeal in Progress

		15/07/2022 and 10/08/2022)		
DC/22/00900/FUL	The Cottage 18 Talbot Terrace Birtley Central Birtley Gateshead DH3 2PQ	Erection of canopy over front entrance and glass balustrade around front boundary to create seating/waiting area, including alterations to stepped frontage (part retrospective).	Written	Appeal in Progress
DC/22/00971/TDPA	Coatsworth Road (west Of Coatsworth Court) Gateshead NE8 1PU	DETERMINATION OF PRIOR APPROVAL: Installation 16.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.	Written	Appeal allowed
DC/23/00211/ADV	Land Adjacent Blaydon Railway Staff Social Club, Tyne Street, Blaydon, NE21 4JB	Display of 1No standing 48-sheet LED advertisement display	Written	Appeal in Progress



Appeal Decision

Site visit made on 28 March 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2023

Appeal Ref: APP/H4505/W/23/3315361

Coatsworth Road, Ochre Yards, Bensham, Gateshead NE8 1PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref DC/22/00971/TDPA, dated 21 August 2022, was refused by notice dated 19 October 2022.
 - The development proposed is 16.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of 16.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works on land at Coatsworth Road, Ochre Yards, Bensham, Gateshead NE8 1PU in accordance with the terms of the application, Ref DC/22/00971/TDPA, dated 21 August 2022, and the plans submitted with it including, 002 Site Location Plan Drawing No. GTH18273_M002 Issue B; 210 Proposed Site Plan Drawing No. GTH18273_M002 Issue B; and 260 Proposed Elevation Drawing No. GTH18273_M002 Issue B.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.

Planning Policy

3. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting of the development on the setting of the Grade II Listed Public House.

Reasons

5. The appeal site is located on the pavement along Coatsworth Road which is a busy road and is directly adjacent a palisade fence beyond of which lie a linear row of mature tree coverage. There are both residential and commercial/retail uses in the immediate vicinity including The Crown Public House which is located further along Coatsworth Road. There are further trees located along this stretch of road as well as several other trees located on the opposite side of the road. A number of streetlights and road signs also line Coatsworth Road.
6. The Crown Public House is a Grade II listed building and as such, I have had regard to paragraph 199 of the Framework which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. The listed building's significance is derived from its historic and aesthetic merits. The view of the street from the Public House is tree-lined along Coatsworth Road providing a sense of openness and spaciousness within the street scene and acting as a visual buffer between newer built development. The view from the Public House therefore makes a positive contribution to the overall setting of the listed building which in turn makes a positive contribution to the significance of the listed building.
8. The proposed development would be located on the pavement in front of the trees which line Coatsworth Road and the monopole would be positioned centrally between two trees. The Council accept that the roots of the trees would not be impacted. Their main concern therefore relates to the impact upon the canopies of the trees by installing the monopole.
9. I observed at my site visit the extent of the canopy area and whilst only a snapshot in time, I noted that the trees are located a short distance behind the fence and so the majority of the canopies are also largely contained beyond the fence away from where the installation would take place. I accept that the monopole may lead to some pruning of the canopy area given that there is some limited spread over the appeal site. However, I do not consider that any pruning would be significant given the limited extent of the canopy spread and the proposed positioning centrally between two trees which would further minimise the level of interference.
10. The large number of trees and other street furniture in the area currently provide a good level of screening from newer development when viewed from the Grade II listed building and would continue to do so even if the land behind the tree line is developed for housing as per its allocation. However, even taking into account a level of pruning to facilitate the works, it would not be so substantial as to materially or harmfully effect the setting of the Grade II listed building where the view would largely be retained. The significance of the listed building would therefore be conserved.
11. Accordingly, I find that the siting of the proposed development would be acceptable, and it would preserve the setting of the Grade II Listed Public House. Whilst not determinative, in this respect the proposal complies with

Policy CS15 of the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030, 2015 and Policies MSGP24 and MSGP25 and MSG36 of the Site Allocations and Development Management Policies Making Spaces for Growing Places, 2021 (MSGP) which together, amongst other matters, requires development to respect and enhance significant views and the setting of heritage assets. The proposed development would also accord with chapter 16 of the Framework which relates to conserving and enhancing the historic environment.

Conditions

12. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

N Teasdale

INSPECTOR

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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

14 June 2023

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 14 June 2023.

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