

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 1 November 2023 at 10.00 am in the Bridges Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held 4 th October 2023 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 4) Report of the Strategic Director, Climate Change, Compliance, Planning & Transport
4i	No.1 - Open Space At Junction Of Woodside Lane And Ryton Main Road B6317 (Pages 5 - 16)
6	Enforcement Team Activity (Pages 17 - 18) Report of the Strategic Director, Climate Change, Compliance, Planning & Transport
7	Enforcement Action (Pages 19 - 26) Report of the Strategic Director, Climate Change, Compliance, Planning & Transport
8	Planning Enforcement Appeals (Pages 27 - 30) Report of the Strategic Director, Climate Change, Compliance, Planning & Transport
9	Planning Appeals (Pages 31 - 36) Report of the Strategic Director, Climate Change, Compliance, Planning & Transport

10 Planning Obligations (Pages 37 - 38)

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



PLANNING AND DEVELOPMENT
COMMITTEE
1 November 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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REPORT NO 1

Committee Report

Application No:	DC/23/00454/FUL
Case Officer	Tracy Long
Date Application Valid	3 July 2023
Applicant	Mr Peter Rodgers
Site:	Open Space At Junction Of Woodside Lane And Ryton Main Road B6317
Ward:	Ryton Crookhill And Stella
Proposal:	Creation of Heritage Garden including Monument to the reign of Queen Elizabeth II, hard landscaped seating area with 3 bench seats, flower bed, replacement tree following removal of diseased tree and 3 information boards (amended plans received 5 Sept and 1 Oct 2023).
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF SITE

1.2 The application site is a triangular area of sloping green space, at the junction of Main Road and Woodside Lane in the centre of Ryton. The site is grassed with some ornamental planted flower beds and is enclosed by a low metal bow top railing, painted black. The site contains 3 trees, two cherry trees and one evergreen conifer tree. Currently there is no public access to the site. The land levels fall away from Main Road, from the north of the site, towards Woodside Lane to the south of the site.

1.3 There are a row of recycling bins and a bus stop with a bus shelter immediately to the north of the site, adjacent to Main Road. The site is surrounded by a range of buildings. To the north of the site is a sandstone cottage, to the east Ryton Methodist Church. To the south are two storey residential properties and to the west are single storey flat roofed commercial units.

1.4 The site is outside of but immediately adjacent to (and to the west of) Ryton Conservation Area. It is understood that the site is owned by the Council, but the land is maintained by a charity – Brighten Ryton Local Environment Group.

1.5 DESCRIPTION OF APPLICATION

1.6 This planning application proposes to create a heritage garden at the site, with a monument to the reign of Queen Elizabeth II, which would be open to the public to access.

1.7 The proposal includes:

- The creation of a heritage garden
 - Regrading/levelling of a small area of the site to create a seating area
 - bench style seats on the seating area
 - A monument to Queen Elizabeth II
 - A circular flower bed in the centre of the site
 - information boards
 - A ground level planting bed at the apex of the site at the road junction
 - The existing perimeter fencing is to be retained
- 1.8 In terms of the proposed monument of Queen Elizabeth II, the final details of what the monument will look like, is not known at this stage. Information has been submitted detailing location and maximum size of the monument. The drawings show the monument would be positioned within the circular flower bed in the centre of the site. The monument would be no larger than 3 metres high from the ground level in the sitting area and have a footprint of no more than 2 m².
- 1.9 As the exact details of the monument are not known at this stage, a planning condition is necessary requiring the final details of the monument to be submitted and approved. This is in the interests of good design and if planning permission is granted for the proposal.
- 1.10 The application has been submitted with the following information:
- Application form / CIL form
 - Scaled drawings
 - Heritage Statement
 - Design and Access Statement
 - Arboricultural Impact Assessment (AIA)
 - Results from public consultation by the applicant
 - Artist Brief for the monument
 - Photo of Greenside Community Garden
- 1.11 The Heritage Statement submitted by the applicant states that the proposed heritage garden will enhance the site by adding more flora, making it more accessible to residents to meet and relax, to get closer to the flowers on display and from the information boards learn of the history and heritage of Ryton. The Heritage Statement also explains that it is intended that the site will continue to be maintained by Brighten Ryton Local Environment Group.
- 1.12 AMENDED PLANS
- 1.13 Amended plans have been submitted on 5th September and 1st October 2023. The amended plans remove the raised flower bed and replace it with ground level planting, as well as removing the information board, at the apex of the site at the junction of Main Road and Woodside Road. The amendments are to ensure and maintain visibility at this road junction. A colour copy of the tree protection plan was also submitted.

1.14 RELEVANT PLANNING HISTORY

1.15 None

2.0 Consultation Responses:

Northumbria Police No objection from a crime prevention perspective

3.0 Representations:

3.1 The Council sent neighbour notification letters to 16 surrounding properties on 12th and 20th July 2023, as well as displaying 3 site notices around the site on 26 July 2023. A notice also appeared in the Newcastle Journal on 19 July 2023.

3.2 20 representations have been received (13 letters of objection and 7 letters of support, including from Councillor Chris Buckley).

3.3 OBJECTIONS

3.4 13 letters of objection have been received from local residents on the following grounds :

- Out of character with the street scene
- Overbearing
- Over development
- Will be less green space
- Loss of trees
- The proposal including the seating may attract anti social behaviour
- Will increase litter
- Loss of privacy
- Additional noise
- Disturbance early mornings / late evening
- Disruption from building works
- Inadequate car parking
- The proposal is not needed
- The cost involved in production and maintenance of the area
- Objection to the theme, a tribute to a controversial figure such as Queen Elizabeth is inappropriate

3.5 SUPPORT

3.6 7 letters of support have been received from 6 local residents. Councillor Chris Buckley also supports the proposal.

3.7 Local Residents

6 local residents have written in support of the proposal on the following grounds :

- This development will enhance the public realm and the centre of Ryton
- It will be visually more interesting and attractive
- It will provide an improved, more attractive amenity for residents
- It will make good use of a space at the heart of the village which is currently under utilised
- It will give a focal point for Christmas festivities and memorials to the late Queen
- It will provide a central information source of the villages history and heritage
- The seating will enhance the site by allowing people to rest, gather and catch up
- It will bring Ryton in line with other local settlements
- Brighten Ryton do a great job maintaining planting and other amenities in the village
- It is in full view of passing traffic in all sides so the opportunity for ASB is negligible
- Whilst the royal family is a divisive topic, a monument to the Queens reign is different to a statue of the Queen

3.8 Local Councillor

Councillor Chris Buckley has made a representation in support of the proposal. The comments made in the representation of support are briefly summarised below:

- Over the years Brighten Ryton have carried out significant work within the ward to improve the local environment
- Brighten Ryton have a track record of delivering complex projects
- The heritage garden will become a significant asset to the ward
- Anti social behaviour (ASB) is a significant concern to residents, so I would welcome the input of the Designing out Crime Officer and would ask that any improvements suggested are incorporated into the final design
- I note and welcome the reduction in the area of hard standing from the original proposals and are pleased to see that the same number of trees will be retained
- I am also pleased to see the current proposals increase the area covered by flowers building on the excellent work of the Flower Bed Buddies in the ward.

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

MSGP25 Conservation/Enhancement Heritage Assets

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

5.0 Assessment of the Proposal:

5.1 The main planning issues are considered to be the impact of the proposal on the setting of the conservation area adjacent to the site, the impact on the existing trees on the site, the impact on the amenity of adjacent properties and if the proposal raises any highway safety issues.

5.2 HERITAGE / VISUAL IMPACT

5.3 The site is outside of but adjacent to Ryton Conservation Area, which is a designated heritage asset. A Character Statement for the Conservation Area was approved by the Council on 27 August 1997. The conservation area embraces an old agricultural village, Victorian suburban extensions and wooded slopes to the River Tyne. The plot is located in the area described as: Victorian and Edwardian development.

5.4 The junction area, where the application site is situated is located at a crossroads between Main Road, Lane Head/Whitewell Lane, Woodside Lane, Hexham Old Road, and Grange Road is dominated by road surfacing, areas of paving and footpaths, with small, planted beds of various constructions. It also contains a number of mature large trees and a young tree of the same species, and there are further mature trees walled grounds to the north. The application site is on the edge of the conservation area, where urban features such as bus stops, litter bins are found in the streetscape and in the view out of the conservation area.

5.5 The proposed development includes re-grading and paving part of the grass at the site, the introduction of 3 benches and information boards, the provision of a raised planting bed and ground level planting bed and a monument. The Council's Heritage Officer advises that the introduction of new mixed features and hard surfacing would increase the mismatched elements in this core

location in the village where the unity of a green backdrop and simplicity is more appropriate. Council officers are therefore of the opinion that the proposal is likely to result in less than substantial harm to the setting of the adjacent Ryton Conservation Area – a designated heritage asset.

- 5.6 Paragraph 202 of the NPPF explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. It is therefore necessary in accordance with paragraph 202 of the NPPF to balance the harm against any public benefits from the proposal.
- 5.7 The proposal would result in some public benefits including enhancing the site by adding more flora in a central location in the village, making the site accessible to the local residents, as well as providing information boards learn of the history and heritage of Ryton. Council planning officers are therefore of the opinion that the less than substantial harm from the proposal to the setting of Ryton Conservation Area would be outweighed by the public benefits of the scheme.
- 5.8 In addition Council planning officers are of the opinion that the proposal would not look out of context visually in the street scene, in this area which already has street furniture including bus stops, bus shelters and litter bins. Planning conditions have also been recommended to approve the final details of the monument, seating, information boards and hard landscaping to ensure that these features are appropriate in the interest of good design.
- 5.9 It is therefore considered that the proposal is acceptable from a heritage and visual amenity point of view and accords with the aims and objectives of the NPPF and policies CS15, MSGP24 and MSGP25 of the Council's Local Plan.
- 5.10 TREES
- 5.11 There are currently 3 trees on the site (2 cherry trees and a mature evergreen conifer tree). The trees are not within a Conservation Area and are not covered by a Tree Preservation Order (TPO). An Arboricultural Impact Assessment (AIA) has been submitted as part of this planning application, identifying the three trees on the site as T1, T2 and T3.
- 5.12 The AIA concludes that the smaller cherry tree (tree T2) which is situated towards the east of the site, is diseased and should be removed. This planning application includes the remove of this cherry tree (tree T2) but also proposes to plant a replacement tree to maintain the tree numbers.
- 5.13 The existing trees on the site that are to be retained (tree T1 conifer and tree T3 larger cherry tree) will be protected whilst construction works take place. A detailed tree protection plan has been submitted as part of the planning application supporting information. While local objection is noted regarding the impact on trees, the Council's tree officer has assessed the submitted AIA and agrees with its conclusions and the proposed tree protection plan.

- 5.14 The proposal is therefore considered to be acceptable in terms of impact on existing trees, subject to planning conditions, which require the provision of the tree protection plan and that details of the replacement tree (its species, size and location) to be approved. Subject to these planning conditions it is considered that the proposal accords with the aims and objectives of the NPPF and policies CS18 and MSGP36 of the Council's Local Plan.
- 5.15 AMENITY
- 5.16 Council officers are of the opinion that the proposal will not result in any harm to the living conditions of adjacent residents in terms of loss of light, overshadowing, loss or privacy or overlooking, given the distance from the site to the adjacent houses.
- 5.17 Concerns have been raised by some residents that they may be disturbance during the construction process. To limit any disturbance from the construction, a planning condition has been recommended which would control the days and times of the construction works.
- 5.18 Some raised have raised concerns regarding how the proposal may result in antisocial behaviour in the area. Northumbria Police have been consulted about the planning application and they have confirmed that they have reviewed the application and have no objection from a crime prevention perspective.
- 5.19 The proposal is therefore considered to be acceptable from a residential amenity point of view, subject to the planning condition relating to construction hours. Subject to this planning condition it is considered that the proposal accords with the aims and objectives of the NPPF and policies CS14 and MSGP17 of the Council's Local Plan.
- 5.20 TRANSPORT
- 5.21 There is an existing lockable gate at the southwest corner of the site. The proposed access to the heritage garden would be located directly opposite the raised flowerbed onto the footpath along Woodside Lane, along the eastern boundary of the site.
- 5.22 Visibility splays at the adjacent junction of Main Road and Woodside Lane have been reviewed against the proposals and officers are satisfied there will be no impact on highways safety. Nevertheless, a planning condition is recommended requiring the visibility splay to be kept clear of obstruction for the life of the development.
- 5.23 Given that the site is surrounded on all side by highways (roads to the north, east and south, as well as a pedestrian path to the west), a planning condition has been recommended to agree a construction management plan (CMP). This plan would set out how the development would be constructed in terms of highway access, to ensure that the construction process is appropriate from a highway safety point of view.

5.24 Subject to this planning condition the proposal is considered acceptable from a transport point of view and accords with the aims and objectives of the NPPF and policies CS13 and MSGP15 of the Council's Local Plan.

5.25 OTHER ISSUES

5.26 A number of other issues have been raised from local residents, however these are not considered to be material planning considerations.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, including all the comments made in support and objecting to the proposal, it is considered on balance that the proposal is acceptable from a planning point of view, subject to planning conditions.

6.2 It is therefore recommended that planning permission be granted subject to the planning conditions below. Subject to these planning conditions, the proposal is considered to accord with the aims and objectives of both national and local planning policies.

7.0 Recommendation:

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

1

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

Site location plan	1:1250 dated 26 May 2023
Drawing No 02 Rev 1A	proposed site plan
Drawing No 03 Rev 1	cross sections

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

No development shall commence on site until the tree protective fencing as shown by a blue line in Appendix 5 – Tree Protection Plan in the Arboricultural Impact Assessment by Andrew Hampton dated September 2023 has been installed in accordance with the details in the Arboricultural Impact Assessment.

The tree protective fencing shall be retained intact for the full duration of the construction works and there shall be no access or storage within the tree protective fenced area.

Reason

To ensure the satisfactory protection of the retained trees in accordance with the NPPF and policies CS18 and MSGP36 of the Local Plan for Gateshead.

4

All works and operations in connection with the construction of the development, including deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays, unless otherwise approved in writing by the Local Planning Authority.

Reason

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

5

No development shall commence on site (except for the installation of tree protection measures) until a Construction Management Plan (CMP) which details how access to the site will be made during the construction process has been submitted to and approved in writing by the Local Planning Authority.

Reason

In order to ensure a safe access to the site during the construction process in the interest of highway safety and in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

Reason For Pre Commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the construction of the development can be carried out in a manner which is appropriate from a highway safety point of view. This information is fundamental to the development and requires approval prior to development starting on the site as it relates to the construction stage of the development.

6

The development shall be carried out in accordance with the Construction Management Plan approved at condition 5.

Reason

In order to ensure a safe access to the site during the construction process in the interest of highway safety and in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

7

Prior to the development being brought into use, details of the replacement tree to replace tree T2 including the species, size, location and timetable for planting of the tree has been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of the visual amenity of the area in accordance with the NPPF and policies CS15 and MSGP24 of the Council's Local Plan.

8

The replacement tree approved at condition 7 shall be provided in accordance with the approved details.

Reason

In the interest of the visual amenity of the area in accordance with the NPPF and policies CS15 and MSGP24 of the Council's Local Plan.

9

Notwithstanding the submitted information the final details (size, design, location, colour and finish) of the following items shall be submitted to and approved in writing by the Local Planning Authority prior to the individual items being provided on site :

- (a) the monument
- (b) the seating
- (c) the information boards
- (d) the hard landscaping / paved area in the centre of the site

The monument under item (a) shall not exceed a height of 3 metres from the ground level in the sitting area and shall have a footprint no more than 2 m2.

Reason

In the interest of the visual amenity of the area and in accordance with the NPPF and policies CS15 and MSGP24 of the Council's Local Plan.

10

The monument, seating, information boards and hard landscaping shall be provided in accordance with the details approved under condition 9.

Reason

In the interest of the visual amenity of the area and in accordance with the NPPF and policies CS15 and MSGP24 of the Council's Local Plan.

11

The existing visibility splays at the junction of Main Road and Woodside Lane shall be kept clear of obstruction.

Reason

In the interest of highway safety in accordance with the aims and objectives of the NPPF and policies CS13 and MSGP15 of the Council's Local Plan.



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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

01st November 2023

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 20.09.2023 and ending 18.10.2023 the enforcement team has received 157 new service requests. The enforcement team currently has 738 cases under investigation.

TYPE OF SERVICE REQUEST	NEW SERVICE REQUESTS RECEIVED	CASES ALLOCATED TO OFFICER	CASES RESOLVED	UNDER INVESTIGATION	PENDING PROSECUTIONS
Planning	37	16	34	281	0
Empty/vacant properties & sites	9	8	5	119	0
Highways	43	17	45	170	0
Abandoned vehicles	47	47	46	13	0

Waste investigations	21	12	9	155	2
TOTALS	157	100	139	738	2

COURT HEARINGS
No court hearings have occurred in this period.



**REPORT TO PLANNING AND DEVELOPMENT
COMMITTEE**

01st November 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 Spenn, Whickham North, Whickham South and Sunniside, 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 21	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.</p> <p>26.07.2023 - Development Management have three outstanding discharge of conditions applications which they are looking to determine week commencing 31st July 2023. Once the applications have been determined we will be in a better position to review what conditions remain outstanding and consider appropriate next steps.</p>	<p>18.10.2023 – The three discharge of condition applications to cover the breach of conditions have been determined in the last week, with the majority refused. The new sole director of the company has been notified and provided a copy of the decision notices. Advice is awaited as to how enforcement action will proceed.</p> <p>Ongoing monitoring in place to ensure the works continue and conditions are met.</p>
	2.	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>18.10.2023 – The three discharge of condition applications to cover the breach of conditions have been determined in the last week, with the majority refused. The new sole director of the company has been</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	
Page 22								<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.</p>	<p>notified and provided a copy of the decision notices. Advice is awaited as to how enforcement action will proceed.</p> <p>Ongoing monitoring in place to ensure the works continue and conditions are met.</p>	
	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>	18.10.2023 – Good progress continues with refurbishment of the property. Ongoing monitoring to ensure works continue to a good standard and at reasonable pace.
	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</p>	18.10.2023 – Further site visit scheduled for 27.09.2023 postponed and took place 11.10.2023. Most items removed but not as much progress with remaining items

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>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 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>	<p>as would have been anticipated. Further site visit scheduled for 25.10.2023. If full compliance has been achieved, this item will be removed from the report.</p>
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</p>	<p>18.10.2023 – Further site visit scheduled for 27.09.2023 postponed and took place 11.10.2023. Most items removed but not as much progress with remaining items as would have been anticipated. Further site visit scheduled for 25.10.2023. If full compliance has been achieved, this item will be removed from the report.</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
								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.	
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. 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> <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 impact of ongoing ASB. Work is ongoing to provide a legal remedy.</p>	<p>18.10.2023 – Direction hearing took place on 20.09.2023 at South Tyneside Magistrates Court. Matter is listed for a full day contested appeal hearing on 23.01.2024 at STMC starting at 10am. Directions have been set as follows:</p> <ul style="list-style-type: none"> • 25.10.2023 exchange documents • 01.12.2023 exchange of statements <p>OM properties Ltd have asked for a meeting to try and resolve matters. This will take place on 19.10.2023. Further ASB and fires have also occurred on site in recent weeks and the Council, with partners are pursuing all avenues to mitigate the impact of these premises, including expediting demolition.</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
								A community protection warning notice was served on the landowner requiring him to take a number of steps in the interim period to prevent or minimise the opportunities for anti-social behaviour on site. This wasn't complied with	
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	28 th October 2023 - removal of all structures 28 th November 2023 - removal of all resultant debris	<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>	18.10.2023 – Appeal has been lodged with the planning inspectorate. Start date of the appeal process is 17.07.2023 and is to be heard by way of written representations. Closing date for representations of 28.08.2023, which has now passed. Notice is suspended until the outcome of the appeal is determined. No further information has yet been provided by the planning inspectorate.
8.	31 Cromer Avenue Gateshead NE9 6UL	Chowdene	Untidy Land	31 st May 2023	31 st May 2023	31 st May 2023	28 th June 2023 – cut back all weeds, brambles, bushes, shrubs and long grass. 12 th July 2023 – Remove all resultant rubbish and debris	<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 2014 on the landowner requiring certain steps to be taken to prevent nuisance or detriment to the amenity of others.</p>	18.10.2023 – The recipient of the notice has not appealed to the Magistrates Court and is therefore in contravention of the notice. Legal advice is being obtained which is still awaited as to further enforcement options available including prosecution and work in default. Ongoing monitoring in place but no compliance as yet.

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**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**

01st November 2023

TITLE OF REPORT: Planning Enforcement 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 against enforcement action received and to report the decisions of the Planning Inspectorate received during the report period.

New Appeals

2. There have been **no new** appeals received since an update was last provided to committee.

Appeal Decisions

3. There have been **no** appeal decisions received since the last Committee.
4. Details of outstanding appeals can be found in **Appendix 2**

Recommendations

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

CONTACT: Elaine Rudman extension 3911

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 enforcement appeal regime is outside of the Council's control being administered by the Planning Inspectorate.

WARD IMPLICATIONS –

Ryton, Crookhill and Stella
Felling

BACKGROUND INFORMATION

Appeal Decision

Outstanding Enforcement Appeal Cases

Further details have been provided by the planning inspectorate with regard to the following appeal, since committee were last updated.

APPELLANT	REASON FOR NOTICE	HOW APPEAL IS TO BE CONSIDERED
<p>Jack and Jo's Nursery Garden, Middle Hedgefield Farm, Blaydon on Tyne, NE21 4NN</p>	<p>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</p>	<p>The appeal(s) will proceed on ground(s) (a), (f) as set out at Section 174(2) of the 1990 Act.</p> <p>The planning inspectorate has confirmed the start date of the appeal as 17 July 2023. The appeal is to be heard through the written representation's procedure.</p> <p>The appeal reference is APP/H4505/C/23/3324826. Any representations are to be received by the planning inspector no later than 28 August 2023. Guidance on making representations can be found in the following link Taking part in a planning, listed building or enforcement appeal - GOV.UK (www.gov.uk)</p>
<p>OM Properties Investment Company Limited, The Pantiles, Gartree Road, Oadby, Leicester, LE2 2FB</p>	<p>Community Protection Notice Served under the provisions of the Anti-social Behaviour Crime and Policing Act 2014 to prevent the detrimental effect the conduct of the owner is having on the quality of life of those in the locality in relation to the lack of management of the former Kwik Save premises and adjoining land at 57 High Street, Felling, Tyne and Wear, NE10 9LU. The building has been significantly fire damaged, is subject to regular arson attempts, unauthorised</p>	<p>Appeal has been lodged with Gateshead Magistrates Court. Directions Hearing took place on 20.09.2023 at South Tyneside Magistrates Court. Matter is listed for a full day contested appeal hearing on 23.01.2024 at STMC starting at 10am. Directions have been set as follows:</p> <ul style="list-style-type: none"> • 25.10.2023 exchange documents • 01.12.2023 exchange of statements <p>OM properties Ltd have</p>

	<p>access, anti-social behaviour and is in a dangerous condition. The adjoining land is used for fly tipping regularly. The building and the site impacts significantly upon policing, fire service and local authority resources as well as neighbouring/adjoining businesses and local residents.</p>	<p>asked for a meeting to try and resolve matters. This will take place on 19.10.2023.</p>
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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 **three** new appeals lodged since the last committee:

DC/22/01187/FUL - Jack And Jo's Nursery Garden, Middle Hedgefield Farm, Stella Road, Ryton, Gateshead NE21 4NN
Retention of timber café building (retrospective) incorporating external alterations to building and removal of canopy to west elevation, raised deck to front (north) elevation and smoking shelter to east elevation. Alterations to car parking, erection of gate to control use of eastern access and new landscaping (resubmission of DC/21/00916/FUL) (additional information submitted 15.05.2023 and 16.05.2023).
This was a committee decision refused on 24 May 2023
Appeal withdrawn 18 September 2023
PLEASE NOTE THIS APPEAL HAS BEEN REINSTATED AND IS CURRENTLY IN PROGRESS

DC/22/01393/FUL - Jack And Jo's Nursery Garden, Middle Hedgefield Farm, Stella Road, Ryton NE21 4NN
Provision of car park to north west of site (retrospective application).
This was a committee decision refused on 10 August 2023

DC/23/00116/ADV - Land At Durham Road, Chester Le Street, DH3 2QX
Display of 2no freestanding internally illuminated digital advertisements (additional information received 04.04.2023).
This was a delegated decision refused on 28/07/23

Appeal Decisions

3. There have been **no** new appeal decisions received since the last Committee.

Appeal Costs

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

Outstanding Appeals

5. Details of outstanding appeals can be found in **Appendix 2**.

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 2.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate

APPENDIX 2

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/22/01187/FUL	Jack And Jo's Nursery Garden Middle Hedgefield Farm Stella Road Ryton Gateshead NE21 4NN	Retention of timber café building (retrospective) incorporating external alterations to building and removal of canopy to west elevation, raised deck to front (north) elevation and smoking shelter to east elevation. Alterations to car parking, erection of gate to control use of eastern access and new landscaping (resubmission of DC/21/00916/FUL) (additional information submitted 15.05.2023 and 16.05.2023).	Written	Appeal in Progress
DC/22/01226/FUL	Land To The Rear Of 2 Ashfield Road Newcastle Upon Tyne NE16 4PL	Erection of Dutch Bungalow on land to the rear of 2 Ashfield Road with access from Whaggs Lane.	Written	Appeal in Progress
DC/22/01392/CDPA	The Glasses Factory, 32 Wesley Court, Blaydon, NE21 5BT	DETERMINATION OF PRIOR APPROVAL: Conversion of first floor commercial unit to create 4 flats - mix of 1 and 2 bed.	Written	Appeal in Progress

DC/22/01393/FUL	Jack And Jo's Nursery Garden Middle Hedgefield Farm Stella Road Ryton NE21 4NN	Provision of car park to north west of site (retrospective application).	Written	Appeal in Progress
DC/23/00116/ADV	Land At Durham Road Chester Le Street DH3 2QX	Display of 2no freestanding internally illuminated digital advertisements (additional information received 04.04.2023).	Written	Appeal in Progress
DC/23/00148/ODPA	Shoefayre Ltd 4 Wesley Court Blaydon NE21 5BT	DETERMINATION OF PRIOR APPROVAL: Conversion of vacant first floor Class E premises to C3 residential (2no. 1 bedroom flats).	Written	Appeal in Progress

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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

1 November 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 1 November 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