



PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 24 January 2024 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 6 th December 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 Service Director, Climate Change, Compliance, Planning & Transport
4i	No.1 - 204 Alexandra Road, Gateshead, NE8 4EB (Pages 5 - 12)
6	Enforcement Team Activity (Pages 13 - 14) Report of the Service Director, Climate Change, Compliance, Planning & Transport
7	Enforcement Action (Pages 15 - 24) Report of the Service Director, Climate Change, Compliance, Planning & Transport
8	Planning Enforcement Appeals (Pages 25 - 28) Report of the Service Director, Climate Change, Compliance, Planning & Transport
9	Planning Appeals (Pages 29 - 38) Report of the Service Director, Climate Change, Compliance, Planning & Transport
10	Planning Obligations (Pages 39 - 40) Report of Service Director, Climate Change, Compliance, Planning & Transport

11 | **New Planning Legislation** (Pages 41 - 46)

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



PLANNING AND DEVELOPMENT
COMMITTEE
24 January 2024

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/23/00166/HHA
Case Officer	Samantha Elsander
Date Application Valid	24 February 2023
Applicant	Mr Thomas Hazeldine
Site:	204 Alexandra Road Gateshead NE8 4EB
Ward:	Bridges
Proposal:	Flat roof dormer window to rear roof and single storey extension to rear (amended plans received 04.07.2023)(retrospective)
Recommendation:	REFUSE
Application Type	Householder Application

The Application:

1. DESCRIPTION OF THE SITE
 - 1.1 The application site is a two storey mid-terraced residential dwelling situated on Alexandra Road.
 - 1.2 The property is located close to a corner located in between 206 Alexandra Road and Lincoln Street. The rear yards of the properties adjoin each other and are set at an angle to each other.
- 1.3 DESCRIPTION OF THE APPLICATION
 - 1.4 Retrospective planning permission is sought for the erection of a dormer window and a single storey rear extension.
 - 1.5 The box dormer would be positioned on the whole of the rear roof slope. The dormer would have a width of 5.5 metres, a height of 3 metres and a depth of 2.4 metres.
 - 1.6 The single storey rear extension covers the whole rear elevation of the host property and ties in with an extension already built at 49 Lincoln Street. Due to the orientation of the houses, the extension has a projection of 3.2 metres along the shared boundary with 206 Alexandra Road and 6.2 metres with 49 Lincoln Street (2.9 metres beyond the extension at 49 Lincoln Street. It would have a flat roof height of 3.2 metres with a succah roof light on top of the roof.
- 1.7 RELEVANT PLANNING HISTORY

564/02 - Planning Permission granted for a lean to rear conservatory - 28/6/2002

2. Consultation Responses:

2.1 None.

3. Representations

3.1 The Council issued neighbour notification letters to 6 neighbours on the 20th March 2023 and then reconsulted neighbours again on 3rd May 2023 after an amended drawing was received.

3.2 15 Letters of representation have been received - 13 in support and 1 objection.

3.3 The 1 objection submitted against the application is made on the following grounds.

- i) The severe harm the proposed development will have on the level of residential amenity enjoyed at No.49 Lincoln Street;
- ii) The adverse impact the proposed development will have on the character and appearance of the dwelling and surrounding area;
- iii) The impact on biodiversity;
- iv) Will set an undesirable precedent;
- v) Party Wall Act; and
- vi) Application defects.

3.4 The 13 comments of support can be summarised are made on the following grounds:

- i) Works would make a positive contribution to the local area
- ii) Properties are have smaller living areas and extensions to provide minimum living space
- iii) Several other examples in the local area
- iv) Works provide much needed additional space for the family

4. **Policies:**

4.1 NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP15 Transport Aspects of Design of Development

MSGP17 Residential Amenity

MSGP24 Design Quality

HAESPD Householder Alterations- Extensions SPD

5. **Assessment of the Proposal:**

- 5.1 The main planning issues are considered to be the impact of the proposal on the character of and appearance of the area, the impact on the living conditions of occupiers of adjacent properties and if the proposal raises any highway safety issues.
- 5.2 IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA
- 5.3 Policy MSGP 24 outlines that the design quality of a development will be assessed with regard to the "compatibility with local character including relationship to existing townscape and frontages, scale, height, massing, proportions and form".
- 5.4 Policy CS15 requires new development to development to "respond positively to local distinctiveness and character".
- 5.5 Gateshead Council's Household Alterations and Extensions SPD recognises adding dormer windows can significantly alter the appearance of a property. It recommends that "any alterations to your roof should be designed to complement your home and the streets character" and "it is important to avoid any dormer extension looking top heavy and spoiling the appearance of the house.
- 5.6 The guidance also offers some specific guidance on how to design and appropriate dormer "front, rear and side dormers should be set in 450mm from each common boundary and 450mm above the eaves height of the Property" ... "two separate small dormers will usually be more visually pleasing than one large dormer" ... "The materials used should closely match the existing roof and wherever possible re-use the materials of the existing roof" ... "Dormers should follow the vertical lines of existing windows and match their style and proportions" ... " Flat roofed/box dormers will generally be resisted".
- 5.7 The proposed dormer would have a width of 5.5 metres and would have a height of 3 metres. The dormer would be sited flush with the eaves, with no set back. The dormer would be set in from the boundary with the neighbour at No.49 Lincoln Street by 0.15 millimetres and would be set down from the ridge of the roof of the main house by 0.5 metres. It would be sited flush with the boundary with the neighbouring dwelling at 206 Alexandra Road. The dormer would be finished in composite slate.
- 5.8 The dormer proposed is a large and bulky box dormer which does not replicate the detailing or design of the host dwelling. Given the scale and siting of the proposed dormer window with it being sited flush with the rear wall of the property, it would not comply with the permitted development rights afforded to homeowners through Schedule 2, Part 1, Class B of the General Permitted Development Order 2015 (as amended, redacted or re-envoked). As such, there is no permitted development fall back to consider.
- 5.9 There is one other example of a dormer window at 212 Alexandra Road. There is no record of planning permission for this development although this has been constructed more than four years ago and would now be immune from enforcement action. This is considered to be a poor-quality development which would not comply with the Gateshead Householder Alterations and Extensions SPD, and is not

considered to set a precedent for other dormers which do not comply with the aims of the SPD.

- 5.10 The design of the dormer would appear more akin to an upward third floor extension to the house and would appear as a dominant and discordant feature in the roof scape, which would not respond to the pattern of surrounding development. Given the dominance and massing of the proposal, it is considered that the development would not respond to the local character in relation to its scale, height, massing, proportions and form and would fail to respond to local distinctiveness. The development is contrary to the advice contained within the Householder Alterations and Extension SPD, Policy CS15 and MSGP24 of the Core Strategy and Making Spaces for Growing Places.
- 5.11 A single storey rear extension is also proposed at the dwelling. This would have a flat roof with a gable rooflight and would be constructed of matching materials to the host dwelling. The existing rear boundary walls at the rear lane are of a height to ensure that the proposed extension will largely be obscured from the rear lane setting. Taking account that the development would be constructed of matching materials to the host dwelling, it is considered that the rear extension would not harm the visual amenity of the host dwelling or the street, to have an acceptable impact on the character of the street.
- 5.12 Overall, it is considered the proposed development would conflict with the aims and objectives of the NPPF, Policies CS15 and MSGP24 of the Local Plan for Gateshead and the guidance set out in Gateshead Council's Household Alterations and Extensions Supplementary Planning Document.
- 5.13 RESIDENTIAL AMENITY
- 5.14 Gateshead Householder Alterations and Extension SPD outlines that “any extension to the rear should not dominate neighbouring properties or significantly alter a neighbour's existing level of sunlight, daylight or privacy”...”one of the key objectives is to avoid overshadowing or having an overbearing or oppressive effect of the neighbouring property, thus adversely affecting residential amenity”. The guidance also sets out that extensions should be designed so as not to project beyond a 45 degree line (on plan) that extends from the centre of an adjoining neighbour's nearest ground floor habitable room window.
- 5.15 The proposed extension would be sited to the south of the neighbouring properties at 49 and 47 Lincoln Street. The proposed single storey rear extension will project 6.2 metres along the common boundary with 49 Lincoln Street (2.9 metres beyond that neighbour's extension) and would have a flat roof with a height of 3.2 metres. The projection and height of the extension which is sited 1.2 metres from the main habitable room windows serving the ground floor habitable kitchen would project significantly beyond a 45 degree line.
- 5.16 The height of the proposed development would also break a 25 degree line plotted 2 metres from the ground level of that neighbour. As the development is to the south of the neighbour, the height and depth of the proposed extension would significantly reduce the light and outlook to the neighbour at 49 Lincoln Street.

- 5.17 Whilst the proposed extension would be sited 3.5 metres from the neighbours at 47 Lincoln Street, the height of the rear boundary wall of that neighbour which is approximately 2 metres tall would partially obscure that massing of the extension. As the habitable windows of this neighbour are south facing and would not look directly onto the proposed extension, it is considered that the extension would not harmfully reduce the light and outlook to that neighbour.
- 5.18 The proposed extension would have a depth of 3.2 metres along the common boundary with 206 Alexandra Road. Given that the proposal is to the north of this neighbour and direct sunlight would not be affected by the development, it is considered that the works would not result in harm to the residential amenity of that neighbour.
- 5.19 Due to the siting of the dormer window and the windows of the extension in relation to neighbouring dwellings, it is not considered that the proposal would result in harm to the privacy of neighbours.
- 5.20 It is considered that the proposed rear extension would harmfully reduce the levels of light and outlook afforded to the neighbours at 49 Lincoln Street and is contrary to the guidance in Householder Alterations and Extensions SPD, NPPF and Policies CS14 and MSGP17 of the Local Plan for Gateshead.
- 5.21 HIGHWAY SAFETY
- 5.22 The rear extension would reduce the floor space at the rear yard of the property. However, this was not used for parking purposes. There would not be a loss of parking from the development. There would also be sufficient space as a result of the development for refuse storage, and access to the rear lane would be retained.
- 5.23 The proposal would not have an unacceptable impact on highway capacity, highway safety or parking provision. It is therefore considered that the proposal complies with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 5.24 OTHER MATTERS
- 5.25 We have sought amended plans from the applicant to ensure that the plans submitted accurately correlate with the works that have progressed on site. Whilst there are minor discrepancies between the drawings and the development that has been constructed, it is considered that we have the information required to consider the impact of the development.
- 5.26 There is a comment in the objection which refers to the impact that the development would have on biodiversity. It is considered that the works would not result in harm to the biodiversity of the area. No ecological appraisals were required as part of the assessment of the application, and householder development are exempt from Biodiversity Net Gain.

5.27 The objection also refers to the Party Wall Act. Whilst noted, this is not a material planning consideration.

6. CONCLUSION

6.1 Taking all the relevant planning policies into account along with all other material planning considerations, it is recommended that planning permission be refused as the proposed rear extension would have a harmful impact on the visual amenity of the host property and wider street scene by virtue of its design, size and scale.

7. **Recommendation**

That permission be REFUSED:

1

The proposed rear extension by virtue of its scale, height and projection on the boundary would result in an unacceptable standard of amenity for adjoining neighbours at 49 Lincoln Street with regard to light and outlook. Therefore, the proposal is not in accordance with policies CS14 and MSGP17 of the Local Plan for Gateshead and the National Planning Policy Framework (NPPF) and the guidance set out in the Householder Alterations and Extension SPD.

2

The proposed dormer window by virtue of its bulk, mass, siting is inappropriate to the host property and surrounding area. The development is contrary to Policies CS15 and MSGP24 of the Local Plan for Gateshead and the National Planning Policy Framework (NPPF), and the advice contained within the Gateshead Householder Alterations and Extensions SPD.



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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 22.11.2023 and ending 09.01.2024 the enforcement team has received 145 new service requests. The enforcement team currently has 513 cases under investigation.

TYPE OF SERVICE REQUEST	NEW SERVICE REQUESTS RECEIVED	CASES ALLOCATED TO OFFICER	CASES RESOLVED	UNDER INVESTIGATION	PENDING PROSECUTIONS	FPN ISSUED	CAUTION ISSUED	REFERAL TO OTHER AGENCY
Planning	23	19	63	205	0			
Empty/vacant properties & sites	8	8	13	98	0			
Highways	4	19	74	100	0			
Abandoned vehicles	63	63	51	15	0			
Waste investigations	47	35	61	95	2	1	0	0

TOTALS	145	144	262	513	2	1	0	0
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COURT HEARINGS

No court hearings have occurred in this period.

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 17	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</p>	<p>10.01.2024 - Pre-arranged joint site visit carried out to the quarry with Development Management to meet with the new planning agent so the agent could establish the position on site on 18/12/2023.</p> <p>It was agreed that the agent would forward an updated position statement and a programme of works to the Council by the 19th of January ahead of consultants being instructed to undertake the necessary reports required in connection with the outstanding conditions. Fortnightly Teams meetings will be set up with the agent once the necessary consultants have been instructed so updates on the consultant's progress and timescales can be provided.</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>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>21.11.2023 – Prior to taking any formal enforcement action, Planning Contravention Notices have been served on several parties to establish their respective interests in the land as there have been many changes in recent years. Once responses are received this will assist in determining the enforcement approach.</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>A discharge of condition application has been submitted in relation to condition 24 for the Council to assess.</p>	<p>10.01.2024 - Pre-arranged joint site visit carried out to the quarry with Development Management to meet with the new planning agent so the agent could establish the position on site on 18/12/2023.</p> <p>It was agreed that the agent would forward an updated position statement and a programme of works to the Council by the 19th of January ahead of</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>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>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> <p>21.11.2023 – Prior to taking any enforcement action, Planning Contravention Notices have been served</p>	<p>consultants being instructed to undertake the necessary reports required in connection with the outstanding conditions. Fortnightly Teams meetings will be set up with the agent once the necessary consultants have been instructed so updates on the consultant's progress and timescales can be provided.</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>on several parties to establish their respective interests in the land as there have been many changes in recent years. Once responses are received this will assist in determining the enforcement approach.</p> <p>Ongoing monitoring in place to ensure the works continue and conditions are met.</p>	
3.	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>10.01.2024 – Further information was provided by the owner on 11.12.2023 in respect of bringing the building back into use as a viable commercial concern. Officer's were of the opinion that the information and the level of detail was insufficient and the owner was advised in writing that it remains the Council's intention to pursue the demolition of the property. Works are ongoing and it is anticipated that all of the required arrangements for demolition to progress will have been completed by the end of January 2024 with demolition completed by the end of the 1st quarter of 2024. The appeal hearing relating to the CPN notice is scheduled to be heard on 23 January 2024 at South Tyneside magistrates court.</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 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>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 and a Community Protection Notice was served.</p> <p>A Direction hearing took place on 20.09.2023 at South Tyneside Magistrates Court with the 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
								21.11.2023 – A meeting took place with OM Properties Ltd on 19.10.2023. The Council made clear its position that the statutory notice had not been complied with to either bring the property back into use or demolish it and that the Council were seeking to demolish the property in default due to the impact on the local community. The owner was of the view that the property was still viable subject to works to bring it back into use. The Council agreed that two weeks would be provided to the owner to demonstrate how this could be achieved and likely timescales. Information has been provided by the owner and the Council has afforded additional time up until 11.12.2023 to provide further supporting information. Meanwhile works are ongoing by the council to progress demolition at the earliest opportunity.	
	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	Complaints were received regarding the erection of an unauthorised building for use as a café. A retrospective planning application was submitted. It was refused on 28.2.22. An appeal was submitted to the Planning Inspectorate in relation to the planning refusal. The appeal was dismissed. An amended scheme/application was submitted to the Council on 14.10.22 and refused by Committee on 17.5.23. As two applications have been refused and giving weight to the appeal dismissed by the Planning Inspectorate it was considered expedient to take	10.01.2024 - No further information has yet been provided by the planning inspectorate.

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>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> <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.</p>	
	31 Cromer Avenue Gateshead NE9 6UL	Chowden e	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 – Remove all resultant rubbish and debris</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 2014 on the landowner requiring certain steps to be taken to prevent nuisance or detriment to the amenity of others.</p>	10.01.2024 – Correspondence was received on 21.12.2023 from the property owner advising that the necessary works have been completed. This is yet to be substantiated as it has not been possible to arrange access to view the works.
6.	Caspian Kebab The Cottage 18 Talbot Terrace Chester Le Street DH3 2PQ	Birtley	Without planning permission, the erection of structure comprising of a metal framework and slate tiled monopitch canopy	25 th November 2023	16 th November 2023	21 st December 2023	21 st April 2024	<p>The Council received a report that a metal structure had been erected in front of the premises. A retrospective application was secured, however planning permission was refused. A subsequent appeal was dismissed by the Planning Inspectorate and the Enforcement Notice has now been served requiring the removal of the</p>	10.01.2024 - Appeal has been received by the Planning Inspectorate who will confirm a start date once the appeal has been validated.

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
								unauthorised structure comprising of a metal framework and slate tiled monopitch canopy.	

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 has been one appeal received since an update was last provided to committee.

APPELLANT	REASON FOR NOTICE	HOW APPEAL IS TO BE CONSIDERED
Caspian Kebab The Cottage 18 Talbot Terrace Birtley DH3 2PQ	Without planning permission the erection of a structure comprising of a metal framework and slate tiled monopitch canopy.	Appeal has been received by the Planning Inspectorate who will confirm a start date once the appeal has been validated by the Planning Inspectorate

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

EXT: 7225

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
Birtley

BACKGROUND INFORMATION

Appeal Decision

APPENDIX 2

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</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>

	<p>Street, Felling, Tyne and Wear, NE10 9LU. The building has been significantly fire damaged, is subject to regular arson attempts, unauthorised 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>	<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.</p>
<p>1 - 2 Durham Road Birtley Chester Le Street DH3 1LE</p>	<p>Without planning permission the installation of new shopfront including cement cladding panels to front and side elevations</p>	<p>The appeal(s) will proceed on ground (a) 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 27 November 2023. The appeal is to be heard through the written representation's procedure.</p> <p>The appeal reference is APP/H4505/C/23/3330644. Any representations are to be received by the planning inspector no later than 08 January 2024. 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>

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

DC/23/00132/CPE – Former Site Of 21, Mill Road, Gateshead Quays, Gateshead
CERTIFICATE OF LAWFULNESS FOR EXISTING DEVELOPMENT: Lawful commencement of development pursuant to planning permission reference DC/19/00785/FUL.

This was a delegated decision refused on 4 April 2023.

DC/23/00329/TDPA – Grass Verge At Junction Of Deckham Terrace And Split Crow Road, Gateshead

DETERMINATION OF PRIOR APPROVAL: Installation of 1No 20m slim-line monopole supporting 6No antennas, 2No transmission dishes, 2No equipment cabinets, and ancillary development thereto including 3No Remote Radio Units (RRUs) and 1No GPS module

This was a delegated decision refused on 4 June 2023

DC/23/00554/ADV – Former Debenhams Unit, Metro Centre, Gateshead NE11 9YG

Display of various illuminated and non-illuminated signs (amended 05/10/23).

This was a delegated split decision refused on 8 November 2023

DC/23/00711/FUL – Bowes Manor Equestrian Centre, North Side, Birtley
Weather protection on part of an equestrian outdoor recreation facility (resubmission).

This was a delegated decision refused on 6 October 2023

DC/23/00791/ADV - Land At Askew Road West, Gateshead

Removal of 2no existing-48 sheet poster boards and replacement of 2no existing 96-sheet poster boards with 2no internally illuminated digital advertising displays.

This was a delegated decision refused on 31 October 2023

Appeal Decisions

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

DC/23/00684/ADV - Land At Askew Road, Gateshead NE8 2TD
Proposed installation of freestanding, illuminated 48-sheet digital display screen.
This was a delegated decision refused on 27 September 2023.
Appeal dismissed 21 December 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

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

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/22/01393/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/23/00132/CPE	Former Site Of 21 Mill Road Gateshead Quays Gateshead	CERTIFICATE OF LAWFULNESS FOR EXISTING DEVELOPMENT: Lawful commencement of development pursuant to planning permission reference DC/19/00785/FUL.	Written	Appeal in Progress
DC/23/00329/TDPA	Grass Verge At Junction Of Deckham Terrace And	DETERMINATION OF PRIOR APPROVAL: Installation of 1No 20m slim-line monopole supporting 6No antennas,	Written	Appeal in Progress

	Split Crow Road Gateshead	2No transmission dishes, 2No equipment cabinets, and ancillary development thereto including 3No Remote Radio Units (RRUs) and 1No GPS module		
DC/23/00554/ADV	Former Debenhams Unit Metro Centre Gateshead NE11 9YG	Display of various illuminated and non-illuminated signs (amended 05/10/23).	Written	Appeal in Progress
DC/23/00684/ADV	Land At Askew Road Gateshead NE8 2TD	Proposed installation of freestanding, illuminated 48-sheet digital display screen.	Written	Appeal dismissed
DC/23/00687/HHA73	21 Church Rise Newcastle Upon Tyne NE16 4BU	Proposed extension and new roof to existing outbuilding and conversion to home office/ temporary accommodation. Replace existing shed roof with a new timber roof with a rubber roof membrane.	Written	Appeal in Progress
DC/23/00711/FUL	Bowes Manor Equestrian Centre North Side Birtley	Weather protection on part of an equestrian outdoor recreation facility (resubmission).	Written	Appeal in Progress
DC/23/00791/ADV	Land At Askew Road West Gateshead	Removal of 2no existing-48 sheet poster boards and replacement of 2no existing 96-sheet poster boards with 2no internally illuminated digital advertising displays	Written	Appeal in Progress

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Appeal Decision

Site visit made on 18 December 2023

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2023

Appeal Ref: APP/H4505/Z/23/3331114

Land at Askew Road, Gateshead, Newcastle NE8 2TD

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Benjamin Porte of Clear Channel UK against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref DC/23/00684/ADV, dated 31 July 2023, was refused by notice dated 27 September 2023.
 - The advertisement proposed is the installation of freestanding illuminated 48-sheet digital display.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. In reaching this decision, I have considered the revised version of the National Planning Policy Framework (the Framework) that was published on 20 December 2023 but as it does not involve changes to national policy affecting the proposal, I have not sought the parties' comments upon it.

Main Issues

3. The main issues are the effect of the proposed advertisement on: (a) public safety, with regards to highway safety; and (b) visual amenity, with regards to the character or appearance of The Bridges Conservation Area.

Reasons

Public safety

4. The advert would be sited on an area of grassland to the northeast of a vacant commercial building and positioned to face in a southerly direction facing oncoming traffic on Askew Road, which is a major distributor A-classified road that has high traffic volumes, with queuing and congestion occurring at peak times. The road is a dual carriageway and lit, but subject of a 30 mph speed limit. A railway line is to the west, and Gateshead International Business Centre and residential tower blocks are to the east. Askew Road forms part of a ring road system around the town centre.
5. The proposal would not be sited on a skyline. There is a relatively tight S-bend in Askew Road next to the appeal site that also accommodates a fall in ground levels. The traffic light-controlled junction of Askew Road and West Central Route A184 are around 50 metres away to the east. There are two large directional road signs on approach to this junction. The first is to the west of the appeal site as vehicles start the S-bend; the second is at the end of the S-bend near the junction itself. There are also directional markings in each lane, advising drivers which lane they should be in for the approaching junction.

6. The proposed advert would be located in-between the two large directional signs, but it would only come into view after the first of those is passed. A single advert would be shown at any one time and the frequency of when adverts change can be controlled by planning condition, together with the display's luminance, the nature of the display and its hours of operation.
7. Be as that may, all adverts are intended to draw people's attention. However, particular care is needed when considering adverts that could affect public safety, including highway safety. This could include at junctions, roundabouts, pedestrian crossings, on approach to a low bridge or level crossing or other locations where local conditions may create traffic hazards.
8. The proposed advert would be positioned in an area where drivers need to concentrate on the road, its alignment, gradient, theirs and others vehicle movements, the signals and associated turning movements and queuing vehicles. Drivers need to make relatively quick decisions taking into account some or all these factors depending on the time of day and the use of the road. The proposed advert would introduce a potential distraction amongst that and in the lead-up to the more detailed second directional sign before the traffic light-controlled junction. Hence, the proposal would pose an unacceptable risk to public safety particularly as there have been a handful of accidents in the vicinity of the site in recent years, with two of these involving queuing vehicles being struck from behind. The use of planning conditions to control the nature, type, time and luminance of the display would not overcome that harm.
9. I note the Council's concerns about the site being close to the junction of the former car rental site and Askew Road, but there is not a firm indication that that use could resume so, while I am mindful of it, I have determined the appeal based on the circumstances as I find them.
10. I conclude that the proposed advert would harm public safety, with regards to highway safety. It would conflict with Framework paragraph 141 which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Visual amenity

11. The appeal site is next to, but not within The Bridges Conservation Area. However, the site does form part of its setting, given that a section of the northbound approach along Askew Road near the site provides glimpsed views across the urban core and of and through some of the bridges that span the River Tyne. The bridges are of great industrial importance. The Conservation Area holds archaeological, architectural, and historic significance arising from the historic evolution of the central core from medieval times though to the modern day, with notable architectural contributions from the High Level Bridge, the Swing Bridge, and the Tyne Bridge. These all illustrate the growth of the urban area and measures to facilitate transport modes while responding to local topography.
12. There are glimpsed views of the Tyne Bridge and the urban core from the vicinity of the appeal site, but these are affected by the existing built form and local topography. The other bridges cannot be experienced from this part of Askew Road. The proposed advert would form part of those views, but its siting, size, scale and illumination would be acceptable here and not harm the setting or significance of the Conservation Area or how it is experienced. I do not consider the proposed advert would be a dominant feature.

13. I therefore conclude that the proposed advert would not harm the visual amenity of the area, with regards to the character or appearance of The Bridges Conservation Area. As such, there would be no conflict with Framework paragraph 141 or with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Conclusion

14. For the reasons given above, although I have found the proposed advert to be acceptable in terms of amenity that does not outweigh my conclusion that the proposed advert would be detrimental to the interests of public safety. Therefore, I conclude that the appeal is dismissed.

Andrew McGlone

INSPECTOR

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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 24 January 2024.

Recommendation

5. 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

TITLE OF REPORT: **New Planning Legislation**

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

Purpose of the Report

To update Planning and Development Committee about recent changes to planning legislation

Background

Levelling up and Regeneration Act 2023 (LURA)

The Levelling Up and Regeneration Act received Royal Assent on 26 October 2023. Much of the Act is enabling legislation requiring detailed further legislation to set out the detailed framework for the changes. Around two thirds of the Act sets out at a high level, the extensive reform of the planning process including to the following areas.

- **Plan Making**

Accelerating the plan making process into a streamlined 30-months.

- **Digitisation of Planning**

Using technology to enable an efficient, timely and robust planning service.

- **Strengthening enforcement**

Extending the time limit for enforcement of breaches of planning control to 10 years for all development. There are also new powers for local planning authorities to issue “enforcement warning notices” where it appears a rectifiable breach of planning control has taken place in respect of land in England.

- **Biodiversity Net Gain**

Requires an increase in the relevant biodiversity value of a site by 10% above that prevailing immediately before the development activity took place.

- **Environmental Outcomes Reports**

The Act creates powers to require environmental outcomes reports (EOR) to be prepared in relation to development consents. They will replace the current environmental impact assessments.

Updated NPPF

Since the LURA came into force, the Government has published some of the secondary legislation and on 19th December 2023 published an updated National Planning Policy Framework (NPPF) which is effective immediately.

A high-level description of the key changes is provided below, as was set out by the Levelling Up Secretary. In headline terms, the new NPPF:

- gives flexibility for local authorities in relation to setting out its local housing need, clarifying that the outcome of the standard method is an advisory starting point, noting any assessment will be subject to examination as usual though the Local Plan process.
- sets out that there is no requirement on a local authority to review or alter its Green Belt boundaries unless it chooses to do so;
- removes the requirement for authorities to demonstrate a five-year housing land supply on an annual basis, where an up to date (less than five years old) local plan is in place that contained a deliverable five-year supply of land at its adoption.
- removes the 5% and 10% buffers that could be applied to five-year housing land supply, and maintains the 20% buffer only for those authorities that do not have an up-to-date plan in place and score below 85% on the Housing Delivery Test;
- gives additional support to the delivery of self-build, custom-build and community-led housing and encourages the delivery of older people's housing, including retirement housing, housing-with-care and care homes;
- emphasises the role of beauty and placemaking in strategic policies;
- gives greater protection to agricultural land through additional reference to the need to address food production, maintaining the emphasis on best and most versatile (BMV) land; and

Further changes

When announcing the updated NPPF on 19th December 2023, the Secretary of State also made other announcements. He set out his ambitions for planning performance, namely that planning decisions must be taken on time and should be robust in their reasoning, and all authorities must have an up-to-date local plan.

In order to support authorities in meeting those expectations, the Secretary of State made a number of announcements, grouped around four themes:

Greater transparency

- Developing a new planning performance dashboard that will provide greater transparency and accountability for local authority performance, including exposing performance reliant on Extension of Time agreements.
- Reviewing the use of Extension of Time agreements in managing performance issues, considering proposals to limit their use on minor and householder applications. DLUHC intend to consult on this in early 2024.

Additional financial support

- Emphasising the increase in planning fees, which have risen by 35% for major applications and 25% for other applications – and reminding local authorities that they must spend these fees on planning services, with an expectation of no decrease in authorities' spend on planning from their general fund.

Faster processes

- Establishing Accelerated Planning Services, improving on the patchwork approach of Planning Performance Agreements by regularising arrangements so that they're offered across England, that clear milestones have to be agreed, that fees are set at an appropriate level, and that those fees have to be refunded where milestones are missed.
- Reviewing Statutory Consultees, which will scope and examine the operation of statutory consultees in the planning application process, in particular their role in providing advice to local planning authorities. This will not cover the role of statutory bodies in plan-making or the Nationally Significant Infrastructure Planning regimes.
- Focusing on planning committee decisions, with the Planning Inspectorate being asked to start reporting to the department about cases where a successful appeal is made against a planning committee decision, and the final decision is the same as the original officer's recommendation.

The secretary of State is also taking direct action

- Intervening in the seven local authorities that have failed to get a local plan to examination since the 2004 Act, requiring a plan timetable within 12 weeks.
- Designating two local authorities in relation to quality of decision making.
- Publishing the results of the 2022 Housing Delivery Test, with 20 new authorities falling into the presumption in favour of sustainable development.

Implications for Gateshead

These changes are significant and will require alterations to the way that we currently undertake our planning processes. Many of these changes will require consideration once the final detail emerges but immediate implications for Gateshead are:

Plan Making: the review of the Local Plan has started and will follow the new accelerated plan making process.

Digitisation of Planning: The Council has been successful in gaining DLUHC grant funding to help to incorporate digital systems into our processes. In addition, digital projects are exploring how we use our planning data to help to streamline our processes.

Housing Delivery Test: The revised NPPF removes the requirement for authorities to demonstrate a 5 year housing land supply on an annual basis where an up to date local plan is in place that contained a deliverable 5 year supply of land for housing. The MSGP was published in 2021 and the review of the CSUCP 2020.

Removal of Extensions of Time: Currently if a decision unable to be made within the statutory 8/13 or 16 week deadline, the Council can agree with the applicant to amend the decision deadline date. This often allows further time to discuss amendments to the application to get it to a stage where it can be approved. However, the removal of the ability to seek extensions of time will be likely to result in more refusals or push people to use the pre application service before making an application.

Fees increase: On 6th December 2023, nationally set fees for planning applications were raised by 25% for minor applications and 35% for major applications. In addition, the legislation included the removal of the free go for resubmitted application (phased over the next year). Linked to this is the intention to improve performance, charge more for retrospective applications and remove the ability to agree Extension of Time agreement with applicants, all of which would require further legislation.

Biodiversity Net Gain: All applications (with 4 very limited exceptions) will be required to demonstrate at least a 10% net gain in biodiversity following the development. This can either be achieved in the design of the development or by improving an area of land outside the site. This must be maintained for a period of at least 30 years. Likely to come into force in January 2024 for larger sites and April 2024 for smaller sites.

Conclusion

Committee will note that the LURA and subsequent published legislation will bring significant changes to the Planning Service that we offer. As detailed legislation and guidance emerges, the Development Management team are focusing on organising and reviewing our internal processes, consultation methods and forms etc to be ready for the changes.

Recommendation

It is recommended that the Committee note the report for information.

1. FINANCIAL IMPLICATIONS

The increase planning fees introduced in December 2023 will allow additional funds to be put into the changes required by the LURA. However note the expectation that all of these increased fees be spent on planning services.

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

This applies to all wards.

9. BACKGROUND INFORMATION

The Levelling Up and Regeneration Act 2023 [LINK](#)

The updated National Planning Policy Framework [LINK](#)

The Secretary of State's speech [LINK](#)

Written Ministerial Statement [LINK](#)

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