



PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 21 February 2024 at 6.00 pm 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 24 th January 2024 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 6) Report of the Service Director, Climate Change, Compliance, Planning & Transport
4i	No.1 - Land Between Queen Victoria Street Allotments and Wynn Gardens (Pages 7 - 34)
6	Enforcement Team Activity (Pages 35 - 36) Report of the Service Director, Climate Change, Compliance, Planning & Transport
7	Enforcement Action (Pages 37 - 44) Report of the Service Director, Climate Change, Compliance, Planning & Transport
8	Planning Enforcement Appeals (Pages 45 - 48) Report of the Service Director, Climate Change, Compliance, Planning & Transport
9	Planning Appeals (Pages 49 - 66) Report of the Service Director, Climate Change, Compliance, Planning & Transport
10	Planning Obligations (Pages 67 - 70) Report of the Service Director, Climate Change, Compliance, Planning & Transport

11 | **2021/22 Housing Delivery Test Results (Pages 71 - 74)**

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

12 | **Development Management Service Performance (Pages 75 - 78)**

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

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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UPDATE

**REPORT OF THE
SERVICE DIRECTOR, PLANNING, CLIMATE CHANGE AND STRATEGIC
TRANSPORT**

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
21 February 2024**

Please note this document should be read in conjunction with the main report of the Service Director, Planning, Climate Change and Strategic Transport

Committee Report

Application No:	DC/23/01045/FUL
Case Officer	David Morton
Date Application Valid	6 December 2023
Applicant	Mrs Louise Wilson
Site:	Land Between Queen Victoria Street Allotments and Wynn Gardens
	Felling
Ward:	Pelaw And Heworth
Proposal:	Proposed erection of 20 self-contained, one-bedroom apartments (Use Class C3) to provide supported housing, including dedicated space for support work, external landscaping and associated works (amended/additional information received 12/01/23, 16/01/24, 18/01/24 and 19/01/24).
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The site is located at the end of Portland Street, in Pelaw. The site is currently unused and unmanaged, with no public access. It is bordered by semi-detached houses on Wynn Gardens to the north, Jonadab Street to the east, Queen Victoria Street allotments to the south, and Nether Farm Road bungalows to the west.

1.2 Access to the site is from the southeast, where an existing road leads to a level area. The southern part is relatively flat, covered with dense shrubs, while the northern section features a steep slope with mature trees and shrubs.

1.3 The surrounding roads showcase a mix of architectural styles, ranging from Victorian terraces to 60's and 70's houses and bungalows.

1.4 The application site is not allocated for any purpose within the Local Plan.

1.5 DESCRIPTION OF THE APPLICATION

The application seeks full planning permission for 20 self-contained residential properties, a communal hub, parking, landscaping, and associated works.

1.6 The proposed development seeks to offer supported housing for vulnerable adults, with support and housing needs (it is likely these individuals have experienced homelessness), featuring a communal hub with dedicated spaces for development, progression activities, and support services from external agencies.

- 1.7 The two-storey properties are arranged in terraces, forming an 'L' shape.
- 1.8 The accommodation includes:
- 20 self-contained 1-bedroom apartments
 - Two multi-use spaces for counselling and resident activities
 - Two 1-to-1 rooms for individual counselling
 - Office space for six staff members, including a staff kitchen, manager's office, reception space, store room and two accessible WCs
- 1.9 The applicant has submitted several documents in support of the application, including:
- Design and Access Statement: Provides information on the proposed design and accessibility aspects of the application.
 - Ground Investigation Documents: Presents results of the site's ground investigation, including surveys and assessments of soil and geological conditions.
 - Ecological Assessment (including Biodiversity Net Gains Assessment): Evaluates the ecological impact of the proposed development, including its effect on biodiversity. It also includes an assessment of potential net gains in biodiversity resulting from the project.
 - Planning Statement: Addresses planning policy matter, specifically issues relating to the Supplementary Planning Guidance for Specialist and Supported Housing.
 - Drainage Assessment: Examines the drainage strategy to ensure effective water management.
 - Transport Statement: Outlines the transportation considerations and plans related to the development.
 - Affordable Housing Statement: Addresses aspects related to the affordability of housing within the development.
 - Tree Survey: Provides information on existing trees and preservation/protection measures.
 - Sunlight Assessment: Evaluates the impact of the development on sunlight exposure, specifically in regard to existing residents.
 - Land Stability Assessment: Assesses the stability of the land, seeking to ensure safety and structural integrity.

1.10 **PLANNING HISTORY**

There is no planning history associated with the application site.

2.0 Consultation Responses:

Northumbria Police	No objection.
The Coal Authority	No objection.
Natural England	No objection.
Tyne and Wear Archaeology	No objection.

Tyne and Wear Fire and Rescue

No objection.

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015, including advertisement in the press and the erection of site notices.

3.2 A total of 49 objections, including one from a Ward Councillor (Councillor Amanda Wintcher) and two letters of support have been received.

3.3 The letters of objection are summarised as follows;

- The proposed heat pump, generator and other maintenance facilities would be out of keeping with the cul-de-sac where they will be located;
- The proposed development would cause noise pollution;
- The proposed building would dominate over neighbour properties due to their elevated position.
- There are already issues of anti-social behaviour which would be worsened as a result of the development;
- The development would lead to increased traffic around the estate;
- The proposal would lead exacerbate onstreet parking issued caused by St Albans School and Metro parking;
- It would be difficult for commercial vehicles to navigate Jonadab Street;
- The proposed building work would result in noise disturbance;
- The proposed development would result in a loss of privacy for existing occupiers;
- The proposed development is located eight metres higher than those properties in Wynn Gardens, giving the impression of it being four stories. The attempts to break up the building are not adequate in either design and/or amenity terms;
- The proposal would result in a perception of being overlooked, with a loss of privacy for many;
- The proposed development would not comply with the requirements of the
- Householder Alterations and Extensions SPD;
- The number of spaces proposed within the development fails to comply with Gateshead parking standards;
- The proposed development would result in the significant loss of sunlight for surrounding properties;
- The existing sewers are not adequate and there are currently issues with runoff from the site;
- The proposed development would have significant impact on ecology;
- The developments design presents a stark contrast to the surrounding area and is inappropriate in its form and scale;
- It is considered that the location of the proposal near to St Alban's School is inappropriate;
- The proposed lighting associated with the development would impact on amenity;

- The site is potentially contaminated;
- The proposed development would result in increased levels of vermin;
- There was a lack of community involvement in the formulation of the plans;
- The proposed development would result in the loss of trees;
- The development would result in decreased property values;
- Access to the site could be difficult due to parked cars;
- The development would lead to an increased fear of crime;
- There are vulnerable people housed close to the development;
- Local GPs and Dentists are full and can't accommodate additional people;
- Access to and from the development would impact on residential amenity; and
- Works have already commenced on site.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

MSGP11 Housing for Specific Groups

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP29 Flood Risk Management

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP40 Provide/Enhance Open Space/Sport/Rec

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

- 5.1 The main planning issues to be considered include the following: the suitability of developing this site for housing, the acceptability of the proposed design and its impact on the character and appearance of the area, the impact on residential amenity, the impact on highways and parking, ecology, drainage, land conditions, and any other emerging issues.
- 5.2 **PRINCIPLE OF THE DEVELOPMENT**
The site is not allocated for any specific purpose in the Local Plan for Gateshead and is therefore to be determined on the basis of its own merits.
- 5.3 **Range and Choice of Housing**
Local Plan policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). The proposed development would not help to meet the above target. However, it is acknowledged that the target is Plan-wide and for the duration of the Plan period, and is not a requirement for every site, especially small sites. Given the nature of the intended occupiers, the creation of larger family units is not appropriate. Therefore, the proposal would not conflict with policy CS11(1).
- 5.4 **Space standards**
Policy CS11(4) of the Local Plan requires adequate space inside and outside of the home to meet the needs of residents and Policy MSGP12 also sets out that new homes should be built in accordance with the Nationally Described Space Standards (NDSS). The proposed development would fully comply with NDSS and would also comply with the requirements of Policy CS11(4) and MSGP12.
- 5.5 **Accessibility and adaptable dwellings**
Policy MSGP10 sets out that on housing developments of 15 or more dwellings, 25% of dwellings will be constructed to meet the Building Regulation M4(2) Category 2: Accessible and Adaptable Dwellings standard or equivalent successor standards. This would mean that five out of the total 20 homes would need to meet this standard.
- 5.6 Policy CS11 seeks to encourage the provision of Lifetime Homes and Wheelchair-Accessible Homes.
- 5.7 The planning statement indicates that all units will be built to M4(3) standard. Homes which meet the M4(3) standard would also meet the M4(2) standard as

well, as such the proposal would comply with Policy CS11 and MSGP10 in this regard.

5.8 Affordable Housing

Policy CS11(5) requires the provision of 15% affordable homes on all developments of 15 or more dwellings subject to development viability. The submitted plans indicate that the scheme is for social rent by a housing association, therefore all units will be affordable. Given it is intended to secure the tenure of the units by planning condition (Condition 3), the development would comply with Policy CS11 in this regard.

5.9 Specialist Accommodation

Policy MSGP11 (Housing for Specific Groups) in the Local Plan requires specialist and supported accommodation to offer convenient access to shops, services, community facilities, and open spaces tailored to the needs of occupants. Section 4.6 of the Specialist and Supported Housing Supplementary Planning Document (SSH SPD) outlines standards for housing other adult groups, emphasising purpose-built accommodation with integrated support.

5.10 The wider Council has collaborated with Tyne Housing to secure funding from the Department for Levelling Up Homes and Communities' Single Homelessness Accommodation Programme (SHAP) for a new build scheme at Queen Victoria Street. This initiative, endorsed by Housing, Environment, and Healthy Communities, aims to provide 20 self-contained units for vulnerable adults (aged over 25) with multiple and complex supporting and housing needs with accompanying intensive, tailored support.

5.11 Aligned with Gateshead's strategic priorities, the project supports the Thrive Agenda, Housing Strategy, and Homelessness and Rough Sleeping Strategy. The site's selection near Pelaw retail centre and Pelaw Metro and the bus links from Shields Road adheres to policy MSGP11, ensuring proximity to amenities and public transport. The brownfield location aligns with the Council's goal to utilise such sites for housing, and the proposal promises to revitalise an unused area after prolonged period of inactivity.

5.12 In conclusion, it is considered that the proposed development complies with the requirements of Policy MSGP11 and the SSH SPD.

5.13 DESIGN ISSUES

The scheme's design is, to some degree, dictated by the proposed use of the site. The applicant has stated in their Design and Access Statement that;

'The apartments themselves needed to be minimal in size in order to keep costs for the project low, and allow for space efficiency across any site. Minimum space standards were followed when setting out the accommodation and access to apartments is private if on the ground floor, and shared if on any other floor.'

Once apartment sizes and layouts were fixed, they were arranged with their circulation spaces to create blocks which could be placed on any site.

The communal facilities were developed in a similar fashion...'

- 5.14 Consideration has been given to building relationships, spaces between them, and dwelling elevations. The design aims to create an appealing and safe living environment, featuring parking, secure bike storage, refuse areas, and paved pathways. Existing trees will be preserved, and the landscape enhanced, including a central rain garden. Maintenance access from Jonadab Street is designated for the north and west of the site.
- 5.15 The design integrates with the streetscene, drawing inspiration from neighbouring Victorian buildings in proportion and materiality. Material choices, like red brick and standing seam metal for roofs, which align with the local vernacular.
- 5.16 Overall, the scale, design, and materials are appropriate for the site and surrounding area. Specific material details can be regulated through planning conditions (Conditions 4 and 5).
- 5.17 Subject to the above conditions it is considered that the proposed development accords with the aims and objectives of the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.
- 5.18 **RESIDENTIAL AMENITY**
The application proposes to construct the dwellinghouses on the upper plateau south of the application site, with its surroundings delineated by semi-detached houses on Wynn Gardens at a lower land level to the north, Jonadab Street to the east, Queen Victoria Street allotments to at a higher level to the south, and Nether Farm Road bungalows at a similar level on the west.
- 5.19 Properties on Wynn Gardens stand significantly lower than the proposed development. The application outlines a minimum 29-meter separation from the nearest property to the south (41 Wynn Gardens). In general, a development would be expected to achieve a minimum 21-meter separation distance between main elevations. However, given the changes in land levels, an increased separation distance of 29 meters is proposed by the applicant. The reasoning is that this extended separation would adequately account for the approximate 8-meter change in levels, ensuring no unacceptable loss of privacy, daylight, or sunlight. Additionally, the development is designed to 'splay' away from existing properties, and there is substantial existing planting between the development and Wynn Gardens, intended to be retained and enhanced leading to added/increased privacy and screening.
- 5.20 The application is supported by a Daylight and Sunlight Assessment (DSA), which follows the methodology outlined in the BRE's "Site Layout Planning for Daylight and Sunlight, a Guide to Good Practice" by PJ Littlefair. The analysis examines the impact on existing dwellings on Wynn Gardens, adjoining the

development site, indicating that overshadowing only occurs during midday in winter months with negligible adverse effects. Both the Vertical Sky Component (VSC) and Sky View results highlight negligible impact, with Annual Probable Sunlight Hours (APSH) values above 25%, indicating minimal overall reduction. Therefore, it is considered that the development would not result in an unacceptable loss of sunlight or daylight, nor have any other unacceptable amenity impact on neighbouring properties on Wynn Gardens.

- 5.21 Moving eastwards, properties on Jonadab Street are located at a lower land level than the proposed development. Nevertheless, the arrangement is such that these properties would interface with the gable elevation of the community facilities and the proposed substation. The assessment suggests that this configuration would not result in any unacceptable loss of amenity for the properties on Jonadab Street.
- 5.22 Heading south, Queen Victoria Street allotments are situated at a higher land level. Given the nature of the uses to the south and the change in land levels, the proposed development is anticipated not to result in any unacceptable loss of amenity.
- 5.23 To the west, bungalows on Nether Farm Road sit at approximately the same land level as the proposed development. Those properties directly interfacing with the development, specifically 15 and 16 Nether Farm Road, would be in excess of 13 meters from the proposed development. Notably, the applicant has designed House Type 1A with high-level windows within the rear elevation at both ground and first floor levels to mitigate potential overlooking. It is considered that this variation in house type plans, coupled with a separation distance in excess of 13 meters in all instances, is adequate to ensure that the development would not appear over-dominant, result in any unacceptable overlooking or any other loss of amenity. Consequently, it is considered that the development would not have any unacceptable impact on the properties located on Nether Farm Road.
- 5.24 Beyond the physical development, officers have taken into account residents' concerns regarding the potential for increased crime, anti-social behaviour, and noise. The applicant has submitted a Planning Statement alongside their application, addressing the requirements of the Supplementary Planning Guidance for Specialist and Supported Housing. The statement outlines robust security measures and demonstrates collaboration with Northumbria Police. The applicant emphasises the operator's rigorous management procedures in place to mitigate security risk, anti-social behaviour, and general disturbance, including a commitment to 24-hour staffing. It must be noted that Northumbria Police, after consultation, have not raised any objections to the proposed development.
- 5.25 Given these considerations, it is deemed necessary to condition that the site be operated in full accordance with the management regime set out in the submitted Planning Statement to ensure the long-term positive management of the development (Condition 6).

- 5.26 Moreover, anticipating some noise and disturbance during the construction phase, it is proposed to address this through the requirement for a Construction Management Plan (CMP) as a condition of the planning approval (Condition 7).
- 5.27 In conclusion, the officers are of the opinion that, subject to the recommended conditions, the proposed development would not negatively affect the living conditions of adjacent residential properties or future occupants. It is therefore considered that the development is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, and Policies CS14 and MSGP17 of the Local Plan.
- 5.28 **HIGHWAY ISSUES**
The application proposes the utilisation of the unadopted section of Portland Street for vehicle access, over which there appears to be a legal right of access. Additionally, the application proposes pedestrian access through Portland Street's adopted footway, with an extension proposed into the site. Another access point via Jonadab Street is outlined for maintenance purposes but would remain closed in most instances. This access strategy is considered appropriate, connecting to the broader community, retail, and transport facilities. Given that a part of Portland Street is unadopted, there's a requirement for the developer to repair any construction-phase damage, to be secured via planning conditions (Conditions 8, 9 and 10).
- 5.29 In terms of the site layout, it is evaluated to provide ample space for vehicle circulation, accommodating the turning of smaller refuse vehicles allowing egress in a forward gear. The layout also incorporates two-metre-wide pedestrian footpath within the site, aiming to eliminate potential conflicts between pedestrians and vehicles. However, due to the need to use a smaller refuse collection vehicle, it's deemed necessary to condition the submission of a servicing plan for consideration (Conditions 11 and 12).
- 5.30 Addressing car parking levels, it's acknowledged that the proposed levels fall short of the Council's parking standards. However, significant weight is given to the nature of the intended occupants. Given the nature of the development's occupants, who are unlikely to own or have access to cars, parking is primarily designated for on-site staff. The proposed level of staff parking is considered entirely appropriate in both number and form. Nevertheless, as mentioned earlier in the report, conditioning the tenure of the units is deemed necessary (Condition 3).
- 5.31 Furthermore, the application includes a proposal for cycle storage, but detailed plans are not provided. Full details are expected to be submitted and clarified through a planning condition (Condition 13 and 14). Additionally, it is crucial to condition that the proposed pedestrian route along Portland Street must be installed and available for use before the occupation of the development (Conditions 15).
- 5.32 Subject to the above conditions, the proposal would comply with the aims and requirements of the NPPF and Policies CS13 and MSGP15 of the Local Plan.

5.33 FLOOD RISK

The application includes a flood risk and drainage assessment, as required by Policies CS17 and MSGP40 of the Local Plan for Gateshead. It addresses various flooding types, follows the drainage hierarchy, and considers water quality. The drainage scheme proposed to discharge surface and foul water into a NWL combined sewer on Jonadab Street. While the drainage design is acceptable in principle, final details are required, secured via conditions (Conditions 16 and 17).

5.34 For construction, a Drainage Construction Method Statement is needed (Conditions 18 and 19) to prevent drainage issues at this phase. Ongoing maintenance requires a Drainage Maintenance Plan, secured via conditions (Conditions 20 and 21).

5.35 Subject to the conditions set out above, it is considered that the proposal would comply with the aims and requirements of Policies CS17 and MSGP29 of the Local Plan for Gateshead.

5.36 ECOLOGY

The planning application has been supported by an appropriate level of ecological assessment including a Biodiversity Net Gain (BNG) assessment. The submitted Ecological Impact Assessment (EclA) considered the site to be of low value for bats, nesting birds, reptiles and priority species (wall brown, dingy skipper, small heath and hedgehog). Officers are in agreement with the conclusions of the EclA and consider that that mitigation measures set out in the EclA.

5.37 The Biodiversity Net Gain (BNG) assessment provided states that the proposed development will lead to a gain in both Biodiversity Units and Hedgerow Units, showing increases of 10.08% and 100% respectively. The ecology report acknowledges that there is ample opportunity to replace suitable habitat on-site given a large portion of the site, to the north would remain undeveloped and can therefore be supplemented.

5.38 In addition, planning conditions are recommended to further mitigate any potential harm to biodiversity, specifically protected and priority/notable species, arising from the development and ensure the implementation and future maintenance of an acceptable landscaping scheme. These conditions are set out below:

- Construction environmental management plan (Condition 7);
- Landscape/habitat creation (Conditions 22);
- Landscape/habitat maintenance (Conditions 23 and 24);
- External lighting (Conditions 25 and 26);
- Bat and bird boxes (Conditions 27 and 28); and
- Mammal friendly boundary treatments (Conditions 29 and 30).

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

5.40 TREES

An Arboricultural Impact Assessment (AIA) has been submitted in support of the planning application. The AIA sets out that most trees within the site will be retained, with only those sitting within or close to the building and/or carpark footprint being removed. It is considered by officers that the level of tree removal is minimal and when considered against the landscaping scheme which would include replacement/enhancement of landscaping, it is considered to be acceptable.

5.41 Subject to a condition pertaining to the undertaking of the development in accordance with submitted tree protection plan (Condition 31), it is considered that the proposed development would comply with the NPPF and Policies CS18 and MSGP36 of the Local Plan.

5.42 CONTAMINATED LAND

The site, assessed under the Council's Contaminated Land Strategy, is potentially contaminated due to previous historic use - part occupied by a potential scrapyards, and the southern boundary by an infilled quarry, allotment gardens, and a depot. As a result, the development area might be impacted by ground contamination. A preliminary risk assessment, phase II risk assessment, remediation strategy and gas protection measures form part of the application and their conclusions, are deemed reasonable and proportionate. The development is considered acceptable in terms of contaminated land considerations, subject to a number of conditions (Conditions 32 to 34).

5.43 Subject to the above conditions, the development is considered to comply with the requirements of Policies CS14 and MSGP20 of the Local Plan for Gateshead.

5.44 LAND STABILITY

The site is not within a Coal Authority defined "Development High Risk Area," indicating lower potential for land instability from former coal mining activities. No known mine entries exist within or near the site boundaries. The submitted Coal Mining Risk Assessment states that, given the site's location outside a High-Risk Area and recorded seam depths, further investigation is unnecessary.

5.45 Although officers agree with this recommendation above, the applicant has included a Land Stability Assessment in their planning application. The assessment outlines in its current state the slope does pose some level of risk, however during the construction process and beyond is it possible to mitigate these risks, through implementation and management of appropriate works design. It is also noted that the scheme will be supported by piles to solid bedrock, minimising slope stability concerns. Further, the intention to retain trees and shrubs on the slope adds additional support. Officers concur with the conclusions within the assessment.

5.46 The development would comply with the aims and requirements of the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead.

5.47 OTHER MATTERS

Noise production from the plant: Equipment associated with the development has been discussed with the Council's Environmental Health Department, who confirmed no objections to this aspect of the proposal.

5.48 Non-compliance with Householder Alterations and Extensions SPD: the SPD is not relevant to the development proposed in that it does not relate to a householder extension. Further, the SPD offers guidance and non-compliance with this guidance does not prevent the granting of planning permission. The issues of residential amenity are considered in detail above and subject to conditions it is considered that the development is acceptable in this regard.

5.49 Existing sewers inadequacy: A pre-development inquiry indicates agreement from NWL to utilise existing drainage. The proposed drainage scheme is designed to provide better on-site control, limiting flows to below the existing green field rate.

5.50 Location in relation to St Albans School: The operator's expertise in housing schemes near schools, coupled with thorough risk assessment, supports the acceptability of the development. The recommendation includes adherence to the submitted Planning Statement and management plan (condition 6).

5.51 Increased vermin levels: A refuse management plan will control the proposed development, reducing the likelihood of increased vermin. Environmental Health hasn't objected to the proposal.

5.52 Property value: Loss of property value isn't a material planning consideration and holds no weight in the decision-making process.

5.53 Works commencement: Confirmed that on-site works haven't begun. Some site investigation works occurred but don't constitute a development commencement.

5.54 All other objections: The main report comprehensively addresses all remaining material planning considerations raised by objectors.

6.0 CONCLUSION

6.1 The proposed development would result in the redevelopment of previously developed land and is considered to fully comply with the aims and objectives of the NPPF, and the relevant policies of the Local Plan for Gateshead.

6.2 Beyond this, the development would have a broader positive impact by creating housing and support for those who have potentially encountered homelessness, supporting the Council's Thrive Agenda, Housing Strategy, and Homelessness and Rough Sleeping Strategy.

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 -

Location Plan - (2-)001 P03
Existing Site - (2-)002 P03
Proposed Site - (2-)003 P06
Ownership Plan - (2)004 P01
Proposed Boundary Treatment - (2)005 P01
Proposed GF - (2-)010 P04
Proposed FF - (2-)011 P04
Proposed Roof - (2-)012 P02
NDSS Layout: Type 1 - (2-)013 P02
NDSS Layout: Type 1A - (2-)014 P02
NDSS Layout: Type 2 - (2-)015 P02
NDSS Layout: Type 3 - (2-)016 P02
Proposed Elevations - (2-)020 P04
Proposed Elevations - (2-)021 P02
Proposed Site Section - (2-)030 P03
Proposed Site Section B - (2-)031 P01
Proposed Site Section C - (2-)032 P01

Design and Access Statement - Nov 2023
Arboricultural Impact Assessment v1.1
Transport Statement
NDSS and Part M Statement
Affordable Housing Statement
Planning Statement
S170919 Phase 1 Desk Study Queen Victoria Street, Gateshead
Queen Victoria St SI Report amended may 2018
Ph II Geo-Environmental Site Assessment - 23-1806-r01/RevA
Remediation and Enabling Works Strategy - 23-1806-REM/ RevA
Gas Verification Strategy - 23-1806-REM
Soft Landscape Masterplan – VEC474.01 V2
Planting Plan – VEC474.02
Ecological Impact Assessment (BioC23-019 V1.1)
Biodiversity Net Gain Assessment (BioC23-019 V1.1)
Biodiversity Metric 4.0 Calculation Tool (Bio23-019 V1.1)
BioC23-019 Tyne Housing Pelaw HMMP V1.2
Construction Ecological Management Plan (BioC23-019 V1.1)
Tyne Housing Statement – Construction Management Plan – February 2024 (Submitted 03 February 2024)
Daylight and Sunlight Report – February 2024

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the

plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

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

Reason

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

3

The proposed tenure of the dwellinghouses here by approved shall be limited to vulnerable adults with complex support and housing needs.

Reason

In the interests of providing an appropriate level of affordable housing and in the interests of highway safety in accordance with the NPPF, policies CS11, CS13 and MSGP15 of the Local Plan for Gateshead, and the Gateshead Placemaking SPD.

4

The development hereby approved shall not progress above damp proof course until an external materials schedule has been submitted to and approved in writing by the Local Planning Authority and where requested samples of the materials, colours and finishes to be used on the external surfaces have been made available for inspection on site and subsequently approved in writing by the Local Planning Authority.

Reason

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

5

The development hereby approved shall be undertaken in accordance with the materials schedule approved at Condition 3.

Reason

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

6

The development hereby approved shall be managed in full accordance with Appendix A (Management & support statement for proposed project) of the approved Planning Statement (Sadler Brown, November 2023) for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason

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

7

The development hereby approved shall be undertaken in full accordance with the Tyne Housing Statement – Construction Management Plan – February 2024 (Submitted 03 February 2024), other than Section 19 – Surface Water Management Plan.

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

Reason

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

8

Prior to the commencement of any development hereby approved hereby approved a road condition assessment for the unadopted portion of the Portland Street access road shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and in order to accord with 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 establish the condition of the unadopted portion of the Portland Street access road prior to the utilisation by any construction traffic.

9

No later than one month after practicable completion of the development hereby approved, a road condition assessment and a schedule of repair works, including a timetable for implementation for the unadopted

portion of the Portland Street access road shall be submitted to and approved in writing by the Local Highway Authority.

Reason

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

10

Any works approved to the unadopted portion of the Portland Street access road under Condition 9 shall be undertaken in full accordance with the approved details and timescale for implementation.

Reason

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

11

Notwithstanding the approved plans, prior to the first occupation of any unit hereby approved a servicing plan shall be submitted to and approved in writing by the Local Planning Authority. This shall clearly set out but not be limited to:

- a. Routing within the site
- b. Maximum size of vehicle
- c. Number and location of private and public bins
- d. Frequency of litter collections

Reason

In order to avoid nuisance to the occupiers of adjacent properties and in the interests of highway safety in accordance with the NPPF and policies CS13, CS14, MSGP15 and MSGP17 of the Local Plan for Gateshead.

12

The development shall be serviced in full accordance with the servicing plan approved under Condition 11 for the lifetime of the development.

Reason

In order to avoid nuisance to the occupiers of adjacent properties and in the interests of highway safety in accordance with the NPPF and policies CS13, CS14, MSGP15 and MSGP17 of the Local Plan for Gateshead.

13

Notwithstanding the submitted details, prior to the first occupation of any unit hereby approved final details of cycle storage include details of the locking mechanism, anchor point and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

14

The cycle storage provision shall be installed in accordance with the details and timetable for implementation approved under Condition 13.

Reason

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

15

Prior to the first occupation of any unit hereby approved the pedestrian access linking the site to the existing adopted highway on Portland Street (show on approved plan Site Layout Plan - Proposed (TGP-(2-003_P06)) shall be completed in full. Unless otherwise approved in writing by the Local Planning Authority.

Thereafter the footpath shall remain open to pedestrians at all times. No barriers or other physical impediments to the use of this road by pedestrians shall be put in place without the prior written consent of the Local Planning Authority.

Reason

In order to avoid nuisance to the occupiers of adjacent properties and in the interests of highway safety in accordance with the NPPF and policies CS13, CS14, MSGP15 and MSGP17 of the Local Plan for Gateshead.

16

Prior to the commencement of development hereby approved, a final detailed drainage scheme for the development shall be submitted to and approved by the Local Planning Authority.

The drainage scheme shall include a final drainage plan and supporting drainage calculations together with site specific cross sections through all key drainage components (sewers, attenuation tank, flow control chamber, permeable paving and rain gardens). Information demonstrating how runoff from all areas will receive an appropriate level of treatment in line with the Simple Index Approach of The SuDS Manual is to be provided for approval.

Reason

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

17

The development shall be undertaken in full accordance with the detailed drainage scheme approved as part of Condition 16.

Reason

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

18

Prior to the commencement of development hereby approved a detailed Drainage Construction Method Statement for the development shall be submitted to and approved by the Local Planning Authority in consultation with the LLFA.

Reason

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

19

The development shall be undertaken in full accordance with the Drainage Construction Method Statement approved as part of Condition 18.

Reason

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

20

Prior to first occupation of any unit hereby approved a Drainage Maintenance Plan (DMP) shall be submitted to and approved in writing by the Local Planning Authority. The DMP should include a site plan identifying ownership and responsibility for all drainage components together with a maintenance schedule and inspection checklist. The DMP should identify any drainage components that may require replacement within the lifetime of development and a strategy for their renewal.

Reason

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

21

The approved drainage scheme shall be maintained in full accordance with the DMP approved as part of condition 20.

Reason

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

22

The soft landscaping and areas of habitat creation/enhancement listed in the onsite habitat creation/enhancement sections of the submitted biodiversity net gain assessment shall be completed in full accordance with the approved landscaping plans (Soft Landscape Masterplan – VEC474.01 V2 & Planting Plan – VEC474.02) prior to the first occupation of any unit hereby approved.

Reason

To ensure the development achieves measurable biodiversity net gain and improves the local and natural environment in accordance with the NPPF, and policies CS18, MSGP31 and MSGP37 of the Local Plan for Gateshead.

23

Prior to the first occupation of any unit hereby approved, a detailed Ecological and Landscape Management, Maintenance and Monitoring Plan, which includes arrangements to address any defects/issues adversely impacting the biodiversity value and function of the soft landscaping and/or habitats provided on/off site, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the landscaping and habitats are appropriately maintained and achieve their required BNG condition scores in accordance with the NPPF, and policies CS18, MSGP31 and MSGP37 of the Local Plan for Gateshead.

24

The Ecological and Landscape Management, Maintenance and Monitoring Plan, approved under Conditions 23, shall be implemented in full for the lifetime of the development.

Reason

To ensure the landscaping and habitats are appropriately maintained and achieve their required BNG condition scores in accordance with the NPPF, and policies CS18, MSGP31 and MSGP37 of the Local Plan for Gateshead.

25

No external lighting shall be provided until an external lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for biodiversity, including roosting, foraging and commuting bats; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can clearly be demonstrated that areas to be lit will not prevent bats and other wildlife using their territory or having access to their resting places

Reason

To avoid harm to bats and other light sensitive species and to ensure the maintenance of the 'local' bat population at or above its current status in accordance with the NPPF, and policies CS18, MSGP31 and MSGP37 of the Local Plan for Gateshead.

26

The external lighting strategy approved at condition 25 shall be provided in accordance with the approved details and the approved timetable for implementation and retention.

Reason

To avoid harm to bats and other light sensitive species and to ensure the maintenance of the 'local' bat population at or above its current status in accordance with the NPPF, and policies CS18, MSGP31 and MSGP37 of the Local Plan for Gateshead.

27

Prior to the first occupation of unit hereby permitted full details including the number, specification and precise location (including an elevational detail) of integrated bat roosting and bird nesting features to be installed on site (including a timescale of installation), shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the maintenance of the local bat and bird populations at or above its current level in accordance with the NPPF, and policies CS18, MSGP31 and MSGP37 of the Local Plan for Gateshead.

28

The integrated bat roosting and bird nesting feature details approved at Condition 27 shall be implemented in full prior in accordance with the approved timescale.

Reason

To ensure the maintenance of the local bat and bird populations at or above its current level in accordance with the NPPF, and policies CS18, MSGP31 and MSGP37 of the Local Plan for Gateshead.

29

Prior to the first occupation of any unit hereby permitted an updated boundary treatment plan, allowing hedgehog access and including a timescale for implementation, has been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of protected mammal species and residential amenity in accordance with the NPPF, and policies CS14, CS18, MSGP17, MSGP31 and MSGP37 of the Local Plan for Gateshead.

30

All boundary treatment shall be installed in full accordance with the detailed approved under Condition 29.

Reason

In the interests of protected mammal species and residential amenity in accordance with the NPPF, and policies CS14, CS18, MSGP17, MSGP31 and MSGP37 of the Local Plan for Gateshead.

31

The approved Arboricultural Method Statement Tree Protection Plan (Ref. 230901.002 - Drawing 3: Tree Protection Plan) shall be adhered to throughout the construction period and the approved measures shall be retained for the full duration of the construction works on that phase of the development and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with the NPPF, and policies GV6, CS18, MSGP24, MSGP31, MSGP32, MSGP36 and MSGP37 of the Local Plan for Gateshead.

32

The development hereby approved shall take place in full accordance with the approved contaminated land mitigation scheme detailed below; Remediation and Enabling Works Strategy - 23-1806-REM/ RevA Gas Verification Strategy - 23-1806-REM

Further, the Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works and the gas protection works.

Reason

To ensure that any risks from land contamination are minimised in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead.

33

Following completion of the remediation measures approved under condition 32 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of any unit hereby approved hereby approved.

Reason

To ensure that any risks from land contamination are minimised in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead.

34

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An

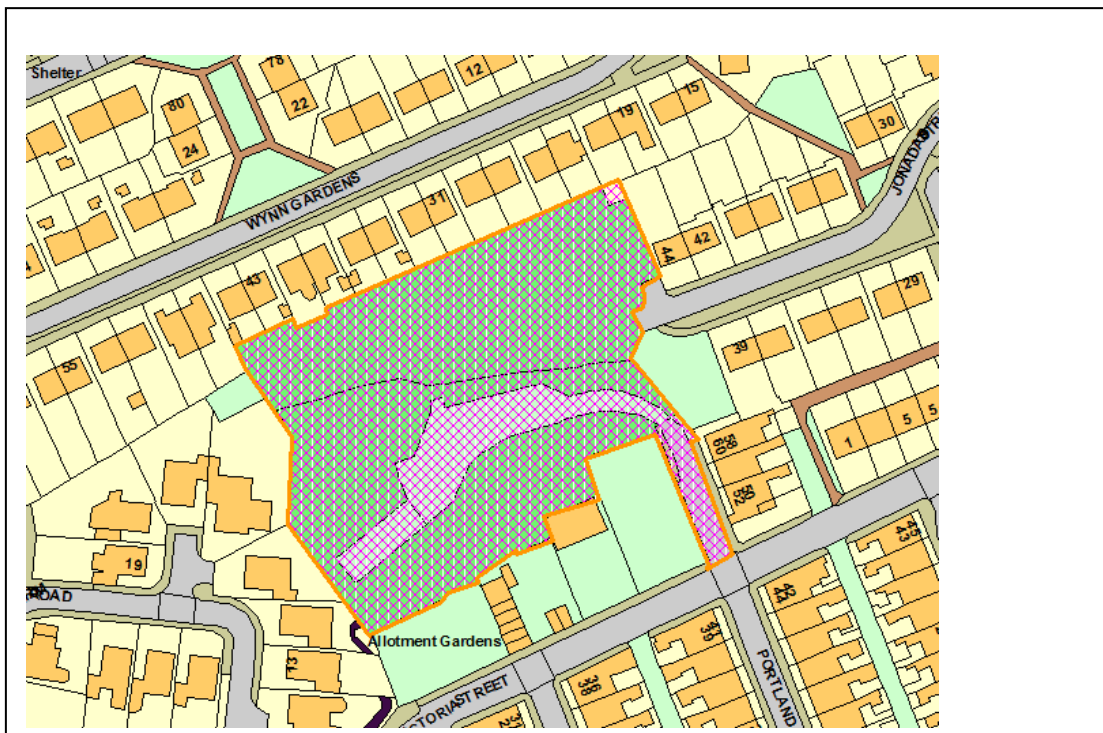
investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason

To ensure that any risks from land contamination are minimised in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead.



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MINOR UPDATE

Application No:	DC/23/01045/FUL
Site:	Land Between Queen Victoria Street Allotments and Wynn Gardens
Proposal:	Felling Proposed erection of 20 self-contained, one-bedroom apartments (Use Class C3) to provide supported housing, including dedicated space for support work, external landscaping and associated works (amended/additional information received 12/01/23, 16/01/24, 18/01/24, 19/01/24, 25/01/24, 02/02/24, 06/02/24, 08/02/24 and 15/02/24).
Ward:	Pelaw And Heworth
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Conditions amended/removed & further representations made

Conditions

Following the publication of the Committee Report, additional drainage and highway information has been submitted, in the form of an amended drainage strategy and a highway condition survey.

In regard to drainage, based on the information submitted, officers are of the view that an acceptable drainage scheme design has been submitted by the Applicant.

On the basis of the above, it is recommended that Condition 1 (Approved Plans), is updated to include the following documents;

- Flood Risk Assessment & Drainage Strategy, Portland Consulting, ref 2023056, Rev C, 14th February 2024.
- Proposed Site Plan, Sadler Brown, 2230022-TGP-(2-)003-P07, 14/02/2024

It is also recommended that Conditions 16 and 17 (Final Drainage Scheme) be removed from the recommendation.

Further, in order to ensure that land levels are laid out and maintained in accordance with the approved details, it is considered necessary to add a further planning condition requiring the submission of a Drainage Verification Report . The proposed wording is set out below;

Prior to the first occupation of any unit hereby approved a Drainage Verification Report (DVR) for the installed surface

water drainage system for the site based on the approved Flood Risk Assessment & Drainage Strategy, (Portland Consulting, ref 2023056, Rev C, 14th February 2024) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) Demonstration that any departure from the agreed design is in keeping with the approved principles and that the modelled volumetric capacity has been achieved.*
- b) Evidence that the pervious road surfacing provides sufficient infiltration capacity as demonstrated via in-situ testing with results compared to inflow rates derived from the contributing catchment area and allowing loss in permeability over the lifetime of the development in accordance with best practice guidance.*
- c) Topographical survey evidence that finished ground levels across the proposed fruit tree area in proximity to the proposed rain gardens to mitigate the risk of flooding to adjacent apartments have been achieved.*
- d) Copies of any relevant approvals, such as for Sewer Adoption, Sewer Connection, etc.*
- e) Confirmation that the system is free from defects, damage and foreign objects.*

Reason

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

In regard to highways, a Highway Condition Report has been submitted as additional information. This document has been reviewed and is considered to be acceptable.

On the basis of the above, it is recommended that Condition 1 (Approved Plans), is updated to include the following documents;

- Road Coring Works – Land at Portland Street, Pelaw, Portland Consulting, Ref: 23-1806-LR1, 15 February 2024.

It is also recommended that Condition 8 (Pre-development Road Condition Assessment) be removed from the recommendation.

Additional Neighbour Representations

Following the publication of the Committee Report, a further four letters of objection have been received. The objections raised in these letters are summarised below;

- Concerns have been raised in regard to the handling/assessment of the planning application, specifically in regard to the issuing of a Committee Report while neighbours are still being consulted and new material matters are being added by the applicant.

- Slope stability concerns: The development may impact upon the integrity of the slope and existing properties.
- Lack of information on mitigating risks to neighbouring properties.
- Geo-environmental assessment inadequately addressed in design documents.
- Negative effects on residents due to overshadowing and loss of sun/daylight.
- Increased noise impact on the neighbourhood.
- Loss of privacy for residents, including windows facing Nether Farm Road
- Inappropriate scale and character within the area.
- Concerns about night-time lighting.
- Insufficient parking provision.
- Lack of adoption of access roads.
- Lack of meaningful community involvement.
- Construction Disturbance
- Invitation for Planning Committee members to visit the site.

Officers would issue the following responses to the above;

- Procedural objections and complaint: the issuing of a Committee Report prior to the expiry of a neighbour notification period is common. It is possible for both written and verbal updates to Planning Committee to be made, as is the case in this instance. Further, it is considered that an appropriate amount of time to make comment on the application has been afforded to residents in accordance with the Town and Country Planning (Development Management Procedure) Order 2015.
- Slope stability concerns: in considering land stability government guidance is clear that when dealing with land that may be unstable, the planning system works alongside several other regimes, including Building Regulations, which seek to ensure that any development is structurally sound. The submitted land stability report suggests various options for ensuring land stability, the applicant has indicated that the preferred choice is the temporary removal of the unstable area's crest to facilitate the construction of a retaining wall. Once the wall is built, the fill material will be reinstated, supported by the wall. The applicant has lodged a building regulations application with the Council and these measures can be controlled via this regime. Landscaping is controlled via planning condition and any amendments to this would require an amendment to the planning approval, however no ecological impact is expected from the land stability measures.
- Sunlight and daylight: as referenced in the Committee Report, the application has been supported by Daylight and Sunlight Assessment (DSA). While some objectors disagree with the findings of the report, officers consider the findings to be appropriate. The report evaluates Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH) to assess the impact of the proposed development on daylight levels. All windows facing the development maintain a VSC of 27% or higher, indicating that annual daylight levels will not be affected. Two windows with lower VSC are existing side windows of conservatories

shaded by neighbouring dwellings, not the proposed development. Table 5 of the report shows that all windows receive more than 25% APSH annually and more than 5% between September 21st and March 21st, meeting BRE guidelines. While overshadowing occurs during midday in winter months, the VSC and APSH results align with BRE recommendations, indicating negligible impact and compliance with good practice standards. Therefore, while some impact on sunlight and sky view, for properties on Wynn Gardens would occur, the report's conclusions remain valid.

- Noise: the issue of plant/compound noise has been considered within the Committee Report. Again, some residents disagree with the conclusions of the report, however the findings remain valid.
- Amenity: it is acknowledged that there are two windows in the western elevation of the development which aren't high level. However, given the location of these windows, it is considered they would not interface directly with properties on Nether Farm Road and therefore would not cause an unacceptable level of overlooking. However, it would be possible for the Committee to condition these windows to be high level, were they minded to grant consent.
- Non-compliance with Householder Alterations and Extensions SPD: as set out in the Committee Report the SPD is not relevant to the development proposed in that it does not relate to a householder extension. Further, the SPD offers guidance and non-compliance with this guidance does not prevent the granting of planning permission. It remains the view of officers would not negatively affect the living conditions of adjacent residential properties or future occupants to an unacceptable degree.
- Design: the design and scale of the development is considered in full within the main Committee Report. However, officers would add that the design and scale of the development is largely driven by the proposed use. However, the scale, form and materiality of development in the area is eclectic. As set out in the Committee Report, officers are of the view taking inspiration from the Victorian buildings adjacent to the site is appropriate and the overall design is appropriate in the context of the site and wider area.
- Night-time lighting: it is acknowledged that there may be some lighting present given the 24-hour presence of staff. However, given the separation afforded between the development and existing properties the impact would not be unacceptable and/or sufficient to warrant refusal of the application.
- Lack of adoption of access roads: the long-term maintenance of the non-adopted part of Portland Street cannot be controlled via the planning application. It would be unreasonable to require the applicant/operator to maintain the highway given there are multiple users of this section of roadway.
- Lack of community involvement: the applicant has elected not to undertake pre-development engagement with residents. However, residents have been formally consulted as part of the application process and the applicant has issued a response to the concerns raised.

- Member site visit: whether a site visit takes place is a decision for the Committee.
- The issues of parking levels, impact on privacy, construction noise and disturbance, and all other material planning considerations have been considered and addressed within the Committee Report.

SEE MAIN AGENDA FOR OFFICERS REPORT.

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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 10.1.2024 and ending 07.02.2024 the enforcement team has received 177 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	30	19	46	188	0			
Empty/vacant properties & sites	14	12	8	101	0			
Highways	40	30	37	103	0			
Abandoned vehicles	64	64	60	25	0			
Waste investigations	29	20	23	96	2	1	0	0

TOTALS	177	145	174	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 39	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 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>08.02.2024 - The site is filled and capped and restoration soils are being brought on as and when they are able. The current landowner has recently instructed a new planning agent who is in the process of arranging the necessary consultancy support that is required to deal with the outstanding planning conditions that need addressing. Enforcement and DM are in regular contact with the new agent regarding progress towards submission of the required information.</p> <p>Ongoing monitoring in place to ensure the works continue and conditions are met.</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 – 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.	
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>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</p>	<p>08.02.2024 - The site is filled and capped and restoration soils are being brought on as and when they are able. The current landowner has recently instructed a new planning agent who is in the process of arranging the necessary consultancy support that is required to deal with the outstanding planning conditions that need addressing. Enforcement and DM are in regular contact with the new agent regarding progress towards submission of the required information.</p> <p>Ongoing monitoring in place to ensure the works continue and conditions are met.</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>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>	
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>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</p>	<p>08.02.2024 – On Friday 19.1.2024 OM Properties Investment Company Limited, withdrew their application for an appeal against the Community Protection Notice that was served in August 2023. The requirements of the notice again became active. The Council are continuing with their proposal to demolish the building, however, OM Properties Investment Company Limited have instructed a surveyor to initiate works immediately to secure the site and bring the building and site back into use as a lettable commercial outlet. The owners have commenced these works and the Council are monitoring progress closely whilst still finalising its demolition proposals. In the event that the owner makes satisfactory progress prior to demolition, then the Council's demolition proposals will be halted.</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 42								<p>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. 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> <p>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.</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</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
								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 1 st 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.	
4.	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> <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>	08.02.2024 - 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
5.	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	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.	08.02.2024 – It has been confirmed that works have been undertaken and the requirements of the notice have been complied with. This case will be removed from the next report.
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	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 unauthorised structure comprising of a metal framework and slate tiled monopitch canopy.	08.02.2024 – The planning inspectorate dismissed the appeal on the grounds that the appellant had not submitted the correct fee for the appeal. However, it has been identified that there was an error in the accompanying guidance documents to the notice regarding the fee payable and the appellant may have been prejudiced by this. The notice is to be reserved which will provide the opportunity for an appeal to be heard.

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 appeals received since an update was last provided to committee.

Appeal Decisions

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

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 dismissed by the planning Inspectorate due to non-payment of appropriate appeal fee.
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4. Details of outstanding appeals can be found in **Appendix 2**

Recommendations

5. 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 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

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> <p>OM Properties investment Company Ltd withdrew their appeal against the notice on Friday 19.1.2024. The requirements of the notice were reinstated from this point.</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 has been **one** new appeal lodged since the last committee:

DC/23/00093/HHA – Anndale, Stannerford Road, Ryton NE40 3SN
Proposed single storey front and side extension, proposed extension to rear with rooms in the roof with inset balcony and flat roof dormer to front with associated works (As amended by plans received 17/04/23)
This was a delegated decision refused on 1 December 2023

Appeal Decisions

3. There have been **three** new appeal decisions received since the last Committee:

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 July 2023
Appeal dismissed 8 January 2024

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 decision refused (split decision) on 8 November 2023
Appeal allowed 31 January 2024

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 dismissed 30 January 2024

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/23/00093/HHA	Anndale Stannerford Road Ryton NE40 3SN	Proposed single storey front and side extension, proposed extension to rear with rooms in the roof with inset balcony and flat roof dormer to front with associated works (As amended by plans received 17/04/23)	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 Dismissed
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 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	Written	Appeal in Progress

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 Allowed
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 Dismissed

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Appeal Decision

Site visit made on 23 January 2024

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31ST January 2024

Appeal Ref: APP/H4505/Z/23/3334676

Former Debenhams Unit, Metro Centre, Gateshead NE11 9YG

- 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 Frasers Group against the decision of Gateshead Council.
 - The application Ref DC/23/00554/ADV, dated 26 June 2023, was refused by notice dated 8 November 2023.
 - The advertisements proposed are 6no illuminated signs (references 05, 06, 13, 14, 17 and 18 as shown on drawing no CPS 21 120 PL 004 B).
-

Decision

1. The appeal is allowed and express consent is granted for the display of the 6no illuminated signs (references 05, 06, 13, 14, 17 and 18 as shown on drawing no CPS 21 120 PL 004 B) as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Procedural Matters

2. The Council issued a split decision which granted consent for some of the advertisements applied for¹. The appeal therefore relates to the refused advertisements only, and I have used the description given in the appeal form to reflect this.
3. As the advertisements subject to this appeal are already in situ, I am considering the proposal retrospectively.

Main Issue

4. The Regulations to control advertisements require that decisions are made only in the interests of amenity and public safety. The Council has not raised any concerns on public safety grounds and I have no reason to disagree.
5. Accordingly, the main issue in this appeal is the effect of the advertisements on amenity.

Reasons

6. The appeal signs are displayed at the south-western corner of the shopping centre. Although in a prominent position, the signs are relatively small features in relation to the large building and have a neat, compact arrangement. They do not detract from the design of this part of the building or lead to any sense of an over-proliferation of signage on the wider building and surrounding area. Nor does their siting or appearance interfere with, or unduly distract from, the

¹ Signs 01, 02, 03, 04, 07, 08, 09, 10, 11, 12, 15, and 16.

landmark art feature on top of the building. Accordingly, I can see nothing unusual or harmful about their number, scale, and location.

7. I therefore conclude that the advertisements are not harmful to the interests of amenity. Thus, the proposals also comply with the advertisement and general design objectives of the National Planning Policy Framework.

Conclusion

8. For the reasons given above, and subject to the standard advertisement conditions set out in the Regulations, the appeal should succeed.

A Caines

INSPECTOR



Appeal Decision

Site visit made on 23 January 2024

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

an Inspector appointed by the Secretary of State

Decision date: 30 January 2024

Appeal Ref: APP/H4505/Z/23/3334308

Land south-east of Askew Road West, Gateshead NE8 2JX

- 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 Wildstone Group Limited against the decision of Gateshead Council.
 - The application Ref DC/23/00791/ADV, dated 22 August 2023, was refused by notice dated 31 October 2023.
 - The proposal is for removal of 2no existing 48 sheet poster boards; replacement of 2no existing 96 sheet poster boards with 2no internally illuminated digital advertising displays 6m(w) x 3m(h) x 0.061m(d) positioned 2.8m above ground level.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed digital advertising screens on i) visual amenity and ii) public safety, with particular regards to highway safety.

Reasons

Visual amenity

3. The appeal site is a roadside location at a four-way mini roundabout junction, close to the A184. There are some commercial influences in the vicinity of the roundabout, but there are also wide grass verges and other open land and trees maintaining a relatively open aspect around the junction.
4. The site already hosts a number of externally illuminated poster billboard displays which may benefit from deemed consent due to the length of time they have been present. There is also an existing digital advertising screen on Cuthbert Street, which was allowed at appeal in 2018. Large format adverts are therefore an established part of the street scene in this location.
5. That said, the existing billboards are set well back from the edge of the road, and due to the muted texture of the paper surface, subtle overhead external lighting, and the permanence of the images, have a relatively subdued appearance, although they are not positive features in the street scene. The existing digital advertising screen is set further back from the roundabout and is not seen together with the other existing billboards when travelling along Askew Road West and Tyne Road.

6. A reduction in the number of billboards at the site could be beneficial to the visual amenity of the area. However, the new digital advertising screens would be positioned much closer to the edge of the road and angled in a way that would be more visible to traffic travelling along Askew Road West, particularly from the south-west where 'screen F' would be clearly seen over a long distance. They would also have a noticeably different, brighter, and more obvious appearance by reason of their digital illumination and sequential changing images. This would be the case even if the levels of illumination and the speed and frequency of image transitions on the display screen were carefully controlled, as demonstrated by the existing digital screen on Cuthbert Street.
7. Consequently, the proposed digital advertising screens would be significantly more prominent and eye catching than the existing paper billboards at the site, while their projection towards the road would also reduce the open aspect at the junction. In my judgement, this would be harmful to the street scene, notwithstanding it is not a conservation area.
8. I therefore find that the proposed digital advertising screens would be detrimental to the interests of visual amenity. Accordingly, the proposal would also conflict with paragraph 141 of the National Planning Policy Framework (the Framework) which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Public/highway safety

9. Askew Road West is a local distributor road feeding into the major A189/A184 Redheugh Bridge Roundabout. The mini roundabout where the proposed advertising screens would be sited is around 110m south-west of the Redheugh Bridge Roundabout and also takes in traffic from Cuthbert Street to the south-east and Tyne Road to the north-west. Three of the approaches into the roundabout split into two lanes for turning and there is a petrol station exit just a short distance to the north-east on Askew Road West.
10. The Council's objection to the proposal on public safety grounds has been informed by an objection from the Highway Authority. Concerns are raised regarding the increased potential for distraction for motorists approaching and undertaking manoeuvres at the mini roundabout. It is advised that the mini roundabout suffers from congestion during peak periods, primarily linked with queuing traffic at the Redheugh Bridge Roundabout. In addition, accident data has been cited which includes four collisions between vehicles and more vulnerable road users coming into the roundabout from different directions.
11. The appellant's Highways Technical Note suggests that the frequency of accidents at the mini roundabout does not represent a cause for concern and that no accidents have occurred on Cuthbert Street since the existing digital display was installed. Even so, for the reasons I have already set out above, the proposals would be far more prominent and very different in nature compared to the existing advertisements at the site.
12. Planning Practice Guidance on advertisements states that all advertisements are intended to attract attention, but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. Furthermore, it advises that one of the main types of advertisement which may

cause danger to road users are those which are illuminated, and those subject to frequent changes of the display.

13. From the evidence before me, and based on my own observations, this is clearly a location where road users need to take care and where local conditions present potential traffic hazards. I consider that the proposals would introduce an additional and unhelpful distraction in their proposed location, regardless of the rate of change or level of illumination. This could reduce the time to assess potential risks such as stopping or merging vehicles, including motorbikes and bicycles, or even crossing pedestrians, thereby increasing the risk of an accident in this location. I am also concerned that the siting of the screens so close to the pavement edge would obstruct visibility of and for vehicles emerging from the adjacent petrol station.
14. I acknowledge there are cases where similar digital advertisements have been accepted adjacent to roads and busy junctions. However, the circumstances in each case will vary depending on the specific proposals and site context. I have necessarily reached my own conclusions and my concerns relate, not to the principle of digital advertisements, but to the specific siting of the proposals and the local highway conditions at this location.
15. I therefore find that the proposed digital advertising screens would be detrimental to the interests of public safety. Again, there is conflict with the Framework where it seeks to prevent the negative impact of poorly sited advertisements.

Other Matters

16. The appellant has highlighted a variety of other benefits that the advertisements may bring. However, these matters do not weigh in favour of the proposal as advertisement decisions are made only in the interests of amenity and public safety.

Conclusion

17. The proposed digital advertising screens would be detrimental to the interests of amenity and public safety. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR

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Appeal Decision

Site visit made on 26 October 2023

by David English BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2024

Appeal Ref: APP/H4505/Z/23/3328962

Land at Durham Road, Birtley, Chester-le-Street DH3 2QX

- 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 Stuart Reid of Komatsu UK Ltd against the decision of Gateshead Council.
 - The application Ref DC/23/00116/ADV, dated 6 February 2023, was refused by notice dated 28 July 2023.
 - The advertisement proposed is the erection and display of two freestanding 48-sheet advertisements.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised version of the National Planning Policy Framework (the Framework) on 20 December 2023. Whilst I have had regard to the revised Framework, in this instance, the issues most relevant to this advertisement appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
3. The description of the proposed advertisements in the Council's decision notice differs from that given in the application for consent to display the advertisements. I have not been provided with any formal agreement on this change. Accordingly, I have used the description given in the application in the banner heading above since this adequately describes the proposal when seen in conjunction with the plans and other details provided in the application.
4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) allow the control of advertisements to be exercised only in the interest of amenity and public safety, taking account of any material factors. The Framework and the Planning Practice Guidance (the PPG) reiterate this approach and are material considerations to which I have had regard in my determination of this appeal.

Main Issue

5. The effect of the proposal on public safety, including highway safety, are not matters raised as concerns to the Council, and, from the evidence before me and my observations during my site visit, I have no reason to disagree with that conclusion. The main issue is the effect of the proposed advertisements on visual amenity.

Reasons

6. The appeal site comprises generally level grassed areas to the front of the Komatsu premises, a substantial commercial complex of largely two-storey buildings situated towards the edge of Birtley town centre. The buildings within the commercial complex are set back from Durham Road and, notwithstanding the handful of maturing trees within parts of the grassed areas, the frontage has a generally open appearance. A light-controlled road junction provides vehicular access and egress to the Komatsu premises from Durham Road. This appeared to be a generally busy road around the time of my site visit in the early evening.
7. The site is located in an area of mixed commercial and residential uses close to the edge of the predominantly commercial core of Birtley town centre. Buildings along this section of Durham Road are mostly two-storey and many of those to the north of the appeal site leading in to Birtley town centre have various forms of signage, mostly at fascia level. The most prominent existing internally illuminated advertising features in the vicinity are found at the nearby Jet petrol filling station located generally opposite the northernmost part of the appeal site.
8. The proposed advertisements would be positioned towards the northern and southern ends of the wide frontage of the Komatsu premises, both advertisements being set towards the rear of the frontage area and facing southwards and northwards respectively. Both proposed advertisement display hoardings would be readily visible from the highway to traffic and pedestrians approaching the site from the respective northern and southern approaches along Durham Road. The northernmost hoarding would also be visible from the junction of Harras Bank and Durham Road.
9. While there are various forms of advertising on commercial premises close to the appeal site, including some with internal and external illumination, the nature of those existing advertisements differs markedly from that proposed, specifically in respect of the overall size, freestanding positions, and means of illumination of the proposal. Moreover, as noted in the appellant's statement of case by reference to examples of similar digital display hoardings elsewhere in Gateshead Borough, the technology involved in the design, construction and external control mechanisms associated with the proposal allows for regularly changing images to be displayed. Such regular changes to the images displayed would serve to further emphasise the visual draw of the display.
10. The illuminated displays on elevated brightly lit screens, which would reach a height of around 5.7 metres above ground level, would be noticeably different to other smaller signs in the vicinity. Their scale in the context of nearby two-storey buildings would therefore not appear subservient in height to those surrounding buildings. While nearby street-lighting columns are taller than the proposed display hoardings, those lighting columns are slim, unobtrusive, simple, and utilitarian in appearance and function. This would contrast with the more complex imagery commonly associated with large, modern digital display hoardings, and the ability for these images to change relatively regularly.
11. Notwithstanding the assertion that digital displays such as those proposed are now commonplace across the road network, this does not in itself justify their universal introduction, and the lack of any such similar advertising displays in the vicinity does not weigh in favour of the proposal. The advertising displays

would appear as large, alien features in a location where illuminated advertisements are generally limited to those at fascia height associated with the various businesses nearby. The presence of a mixture of vegetation and commercial buildings in the backdrop to the appeal site would not mitigate the appearance of the proposed digital displays, nor would these existing features reduce the harm that would arise to visual amenity or assist in assimilation of the proposed displays into the context of the site in this case.

12. The function of advertising is to draw attention, and the introduction of brightly illuminated images on the proposed display hoardings would catch the eye, as is intended. However, the large, illuminated displays would appear brash and intrusive in this location where illumination in the public realm is generally limited to street lighting necessary in the interests of public safety. The proposal would introduce advertising features that would be uncharacteristic, dominant, and harmfully visually intrusive to this prominent location. The lack of heritage or advertisement control designations nearby, and the lack of public comments or objections about the proposal are not factors that weigh in its favour.
13. The appellant provides evidence showing other traditional advertisement hoardings displayed in the past in a location opposite the appeal site. However, from the evidence provided, those hoardings appear to have been significantly different in their appearance in respect of illumination, and, in any event, those hoardings have been removed and no longer provide part of the context or setting of the area surrounding the appeal site.
14. Reference has also been made to two other digital display hoardings said by the appellant to mirror the proposed advertisements in terms of size, scale, orientation and operational characteristics associated with digital illumination of static images. While both examples are some distance from the appeal site, I took the opportunity to view both during my site visit. The settings, circumstances and physical context of both examples differ significantly from the appeal site and are not directly comparable to the case before me.
15. The example located off Cuthbert Street¹ involved the removal of several existing hoardings and the Inspector noted in her decision that ‘...the advertisements are a prominent feature in the street scene’, and that the proposal in that instance would result in no material change in the appearance of the street scene. The example at Chain Bridge Road² is located alongside a dual carriageway that passes through a large commercial area, Chainbridge Industrial Estate, where advertisements of a similar scale are a common feature, and this provides a markedly different setting to that found in the vicinity of the proposal before me.
16. Whilst the PPG provides support for large advertising hoardings in commercial areas, it also requires that factors relevant to amenity, including the general characteristics of the locality, need to be taken into account in coming to a view on whether a proposal would have an adverse effect on the amenity of a locality. I have had regard to this approach in reaching my decision.
17. I therefore conclude that the proposed advertisement would be unduly harmful to visual amenity. I have taken into account the provisions of the Framework

¹ Appeal Ref. APP/H4505/Z/17/3191150

² Planning Application Ref: DC/16/00443/ADV

so far as it is material in respect of visual amenity, specifically in that it advises at paragraph 141 that the quality and character of places can suffer when advertisements are poorly sited and designed. Given that I have concluded that the proposal would harm visual amenity, it would conflict with the Framework in this respect.

Other Matters

18. While I recognise that a Council Officer gave written advice prior to the determination of the application that would have led the appellant to expect a different outcome on that application, I must determine this appeal on the basis of the evidence before me, including the Council's reasons for refusal, and that is what I have done.
19. The proposed digital advertisement hoardings may bring benefits in terms of opportunities for their use in promoting Komatsu UK Limited and other local and regional businesses, and they may have the potential to attract investment, including in the local area. Digital displays such as those proposed may also be consistent with current market requirements. However, recognising that the Framework indicates that advertisements are subject to control only in the interests of amenity and public safety, taking account of cumulative impacts, these are not matters to which I can have regard.

Conclusion

20. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

David English

INSPECTOR

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

1. 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.
2. Since the last Committee there have been **four** new planning obligations:

DC/17/00170/FUL - Ecology (indexed) £250,000 in two equal instalments 50% prior to commencement and 50% prior to occupation of 50 dwellings; Lobley Hill to A1 Improvements, £1,603,160.66 (indexed); A1 detailed design contribution £64,800.00 (indexed) to be paid within 1 month of request from Council; Off-site sports Contribution £482,638.00 in 3 instalments (£160,879.34 each) (indexed) prior to 1st occupation, prior to occupation of 60 dwellings and prior to occupation of 80 dwellings; Pedestrian connectivity improvement, To pay £56,742.64 (indexed) prior to occupation of 10th dwelling of Phase A; Targeted recruitment and training - to submit Management plan prior to commencement.

Land to South of Whickham Highway

Hybrid application seeking detailed approval for 352 dwellings (C3 use) inclusive of 30ha of ecological habitat creation, new Park and Ride facility and associated open spaces, drainage and highways infrastructure and partial diversion of Public Right of Way number WH66/2 through public open space and Outline approval for up to 230 dwellings (C3 use) across 8.2ha with associated landscaping, highways and drainage infrastructure all matters reserved with the exception of access (for the avoidance of doubt, access meaning to the site not within the site) (additional information received 08/05/17, 09/08/17, 21/03/18, 18/04/18 08/05/18, 13/08/18, 22/10/18 and

23/09/22 and amended 27/07/17, 19/02/18, 07/09/18, 17/09/18, 18/10/18, 19/11/18 and 28/05/21).

DC/23/00094/FUL – To pay the off site biodiversity contribution - £1,680.00 plus indexation to the Council on or before the Commencement of the Development

Oakfield House, Gateshead Road, Sunnyside, Newcastle Upon Tyne

Erection of a single two-storey dwellinghouse (Use Class C3) with associated access, and surrounding gardens and curtilage areas across remaining parts of the site with detached garage block (resubmission with revised highways work and ecology assessments). (Additional information received on 20/04/2023 and 09/05/2023) (Amended site location plan received 04/07/2023)

DC/21/00605/FUL – To pay the off site biodiversity contribution (£150,450.00 plus indexation) to the Council on or before the commencement of development; To pay the Dingy Skipper contribution (£2,250.00 plus indexation) to the Council on or before the Commencement of Development

MH Southern, Green Lane, Felling, Gateshead

Erection of storage building (Use Class B8) with external hardstanding and new site access (revised description 05.04.2022) (amended plans 09.11.2021, 22.12.2021, 20.01.2022, 05.04.2022).

DC/23/00437/FUL - To pay the Off-Site Biodiversity Contribution to the Council on or before the Commencement of Development - £3828.00 plus indexation

Former Parkdale Press Premises, Clavering Road, Whickham, NE16 3BX

Erection of 4-storey apartment block comprising of 8no. 2 bed units in a single block (resubmission)

4. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2

on the Planning Obligations report on the online papers for Planning and Development Committee for 21 February 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

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TITLE OF REPORT: **Housing Delivery Test results 2021/22**

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

Purpose of the Report

1. To inform Planning and Development Committee of the results of the Housing Delivery Test published on 19th December 2023.

Background

2. The Housing Delivery Test (HDT) results have been published annually since 2018, but the latest results, for the year 2021-22, were delayed by the Department for Levelling Up, Housing and Communities (DLUHC) and published in mid-December 2023. There appears to be no information as to when the results for the year 2022-23 will be published, although if the usual timetable were to be returned to, they would be imminent, and DLUHC has had the raw data for completions, from local authorities, since October 2023.
3. The HDT measures net change in housing, at local authority level, against a 3-year rolling target, which is mainly based on the government figure for Local Housing Need but adjusted on the basis of an affordability ratio which varies between local authorities, and to allow for disruption in 2020 caused by the pandemic. This target differs from, and is substantially lower than, the target in the Core Strategy and Urban Core Plan (CSUCP).

Results and consequences of the 2021-22 HDT

4. Gateshead has “failed” the Housing Delivery Test every year since it was introduced in 2018, but results have been progressively improving. For 2020-21 Gateshead delivered 87% of the net completions required (completions minus demolitions, taking account of net change through conversions). In 2021-22 our performance improved to 93%.
5. As a result of the measurement being below 95%, Gateshead is required to publish an updated Housing Delivery Test Action Plan (HDTAP) by 19th May 2024. The previous HDTAP was approved by Cabinet on 13th September 2022. The HDTAP details the actions which the Council will take to improve net housing delivery, and sets timescales for them to be carried out.

6. No other sanctions result from the measurement, but separately, as Gateshead continues to fall short of a five-year supply of housing sites considered available and deliverable according to the government's definitions, the "presumption in favour of sustainable development" continues to apply. This means that in some circumstances some of the council's planning policies would be considered out-of-date and unable to be applied to some applications.

Next steps

6. A revised HDTAP, which would be subject to Cabinet approval, will be prepared in time for the deadline. However, if the results for 2022-23 are published in the meantime, this could remove the requirement to prepare one. Based on our improved 2022-23 completions, it is likely that the next results would show delivery of over 95%, which would not require any action. However, the result is not wholly predictable as it is not possible to forecast the affordability ratio which the government will apply to it, and potentially other adjustments, which could vary the outcome.

Recommendation

7. It is recommended that Committee note this report for information.

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

Nil

WARD IMPLICATIONS

Nil

BACKGROUND INFORMATION

[Housing Delivery Test: 2022 measurement - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/107112/Housing-Delivery-Test-2022-measurement.pdf)

[Housing Delivery Test: 2022 measurement technical note - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/107113/Housing-Delivery-Test-2022-measurement-technical-note.pdf)

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REPORT TO ENVIRONMENT AND TRANSPORT PORTFOLIO

23 January 2024

TITLE OF REPORT: Housing Delivery Test result

Purpose of the Report

To advise Portfolio about the performance of the Development Management Service over the past two years in respect of the work at Planning and Development Committee and planning applications considered through delegated powers.

To report on the conclusions of the for Levelling Up, Housing and Communities annual assessment of Local Planning Authorities in their performance against published criteria for assessing under-performance under section 62B of the Town and Country Planning Act 1990.

Background

The Department for Levelling Up, Housing and Communities publishes quarterly and annual reports of the performance of local Planning Authorities based on the quarterly returns that all Councils report.

Section 62B of the 1990 Town and Country Planning Act 1990 allows applicants to submit their applications directly to the Planning Inspectorate if the Local Planning Authority for the area has been designated as poorly performing. This would take the decision-making function away from the Local Planning Authority. In addition, the Local Planning Authority would be expected to prepare an action plan addressing areas of weakness for agreement with the department.

The criteria for designation are based on speed of decision and quality of decision making (measured as the number of decisions overturned at appeal) for all planning applications divided into two categories namely major applications, and non-major applications. This sets the minimum performance threshold for Local Planning Authorities as:

- More than 60% of Major decisions made within the statutory period.
- Less than 10% of Major decisions overturned at appeal
- More than 70% of non- major decisions made within the statutory period.
- Less than 10% of non- major decisions overturned at appeal

Performance

The table below presents data on the performance of Gateshead Local Planning Authority against the published criteria for assessing under-performance as published by DLUHC. It provides information on the speed of decisions on

applications for major and non-major development, for both district matter and county matter authorities.

Criteria	Threshold	Gateshead Performance
Speed of Major development (District)	60% (oct 21 to Sept 23)	100%
Quality of Major Development (District)	10% (April 2021 to March 2023)	0%
Speed of Major Development (County)	60% (oct 21 to Sept 23)	No Decisions
Quality of Major Development (County)	10% (April 2021 to March 2023)	0% (no appeals)
Speed of Non- major development	70% (oct 21 to Sept 23)	88.2%
Quality of non-major development	10% ((April 2021 to March 2023)	0.3% (4 appeals overturned)

Conclusion

The Local Planning Authority is performing well and is performing significantly above the threshold for designation.

However, this is largely due to the ability to agree extended determination dates with the applicant in order allow time for ongoing discussions to overcome issues with the application. As previously reported, the Government have indicated their intent to remove the provision for Extension of Time agreements. This is likely to remove/restrict our ability to work with the applicant to resolve issues and may lead to increased refusal decisions.

BACKGROUND INFORMATION

[DLUHC statistics page](#)

[Planning Application Statistics - July to September 2023 - Factsheet.pdf
\(publishing.service.gov.uk\)](#)

[Improving planning performance: criteria for designation \(updated 2022\) - GOV.UK \(www.gov.uk\)](#)

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