

PLANNING AND DEVELOPMENT COMMITTEE

AGENDA

Wednesday, 20 March 2024 at 10.00 am in the Bridges Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held 21 st February 2024 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 4) Report of the Service Director, Climate Change, Compliance, Planning & Transport
4i	No.1 - Dalreoch, Shibdon Bank, Blaydon, NE21 5AX (Pages 5 - 18)
6	Enforcement Team Activity (Pages 19 - 20) Report of the Service Director, Climate Change, Compliance, Planning & Transport
7	Enforcement Action (Pages 21 - 30) Report of the Service Director, Climate Change, Compliance, Planning & Transport
8	Planning Enforcement Appeals (Pages 31 - 44) Report of the Service Director, Climate Change, Compliance, Planning & Transport
9	Planning Appeals (Pages 45 - 58) Report of the Service Director, Climate Change, Compliance, Planning & Transport
10	Planning Obligations (Pages 59 - 60) Report of the Service Director, Climate Change, Compliance, Planning & Transport

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PLANNING AND DEVELOPMENT
COMMITTEE
20 March 2024

TITLE OF REPORT: Planning applications for consideration

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

Purpose of the Report

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

PART ONE:

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

PART TWO: FOR INFORMATION ONLY

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

Recommendations

2. Recommendations are specified in the schedule.

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

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REPORT NO 1

Committee Report

Application No:	DC/23/00992/COU
Case Officer	Adam Ali
Date Application Valid	20 November 2023
Applicant	Mr Jack Byron
Site:	Dalreoch Shibdon Bank Blaydon NE21 5AX
Ward:	Blaydon
Proposal:	Change of use from dwelling (use class C3) to C2 childrens' home (use class C2) for 4 children.
Recommendation:	GRANT
Application Type	Change of Use

1.0 The Application:

1.1 DESCRIPTION OF SITE

The application site comprises of a residential property known as Dalreoch, a detached dwelling, located within a row of houses at Shibdon Bank. There are similar detached properties either side.

1.2 The dwelling has four bedrooms, a large area of hardstanding and detached double garage to the front. There is an enclosed garden to the side and to the rear of the property.

1.3 Blaydon Shopping Centre is located just over half a mile away from the application site.

1.4 DESCRIPTION OF THE APPLICATION:

Full planning permission is sought for the change of use of the existing residential dwellinghouse (Use Class C3) to a residential Children's Home (Use Class C2) which would accommodate up to four children between the ages of 6 – 16 years of age but usually between the ages of 7 – 12 years old.

1.5 The Children to be housed at the property would be children with learning disabilities. The applicant has also stated how their organisation typically tries to house siblings so that siblings can be kept with one another despite being in a care setting.

1.6 The Children would be under 24 hour supervision. As stated by the applicant, there would be a maximum of 8 members of staff. However, at any one time there would be no more than 5 members of staff at the due to the proposed operation and shift patterns. Shift patterns would run from 07:30am – 21:30pm with 4 members of staff working this shift

alongside the manager. The manager of the site would work 09:00 – 17:00.

- 1.7 From the hours of 21:30 – 07:30am there would be a maximum of up to 2 members of staff in the home overnight.
- 1.8 Due to the nature of the proposed shift patterns the applicant has stated that 8 members of staff are sufficient to cover the proposed working hours.
- 1.9 The home would be managed under the Children’s Homes Regulations (2015) and will be inspected by the regulator Ofsted.
- 1.10 No external alterations are proposed to the existing building to facilitate the change of use.

1.11 **PLANNING HISTORY**

The following planning history relates to the property:

Reference: DC/18/01228/HHA

Proposal: Double garage at the front of property

Decision: Granted

Reference: DC/03/01630/FUL

Proposal: Erection of conservatory at rear of dwellinghouse. (Drwg No. GC1898).

Decision: Granted

2.0 Consultation Responses:

Northumbria Police	No objections raised against the proposal but a recommendation made to encourage the developer to have adequate CCTV at the site in order to assist in any missing persons case that may arise from the site.
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3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.
- 3.2 A general Site Notice was also put on display outside the application site on the 22nd December 2023.
- 3.3 A total number of 19 representations were received in relation to the proposal. 11 representations in objection and 8 in support. The comments received from neighbours have been summarised below.

Objection comments summarised:

- Out of character with the Conservation Area
- Out of character with street scene
- Will attract vandals
- Impact on neighbouring residential amenity
- Inadequate car parking
- There is already one child's care home ¼ a mile away, another in Winlaton, surely these should not be clustered together if the aim is to integrate children into overall society
- Additional noise
- Disturbance in early mornings/late evenings
- Increase in traffic
- Loss of privacy
- Not enough info on staff patterns, comings and goings from the property and info on the children that would live there, mitigation measures etc
- Worried it will be used for other reasons
- Concerns in relation to what is meant by substance abuse
- Would jeopardise security
- This is a nice quiet area now and not really the place for a children's home
- Site notice pulled down by the owner of the subject property who claims he was told to put the notice up, due process has not been followed.
- The company who will be in charge of the care home state on company's house that they cater for young people who suffer from substance abuse
- Only three residents informed
- Notification letter dated 4th December but was received 17th December giving less time to comment.
- House price has been heavily reduced and for sale sign removed suggesting a done deal in terms of planning
- Council must ensure that every application is above suspicion and act on it if its not.

Response to objection comments:

- The site is not within a Conservation Area.
- The applicant has advised that the children to be housed would be children with learning disabilities not children who suffer from substance abuse.
- All necessary consultation was carried out with all neighbouring properties. Furthermore, a site notice was put on display by the case officer despite such an application not requiring a site notice. Consultation has therefore in fact gone above and beyond the requirements for consultation set out by the General Development Management Procedure Order.

- For the avoidance of doubt, no member of the public was advised to put the site notice up on display. The site notice was put up on display by the case officer. It came to light that the notice was flapping in the wind and the owner of the subject property had therefore tied the notice back up. The case officer revisited the site on the 16th February 2024 and the notice was in the same place they had put it on the 22nd December 2023.
- The price at which property sells at is not a material planning consideration
- In terms of time to comment, letters to neighbours were sent out on the 4th December 2023 and a site notice was put on display on 22nd December 2023. Both of which give a separate 21 day period for comments to be submitted. Ample time was therefore given for the public to comment on the proposal. Representations can also be made up to the point of determination.
- More than three residents were notified. 14 neighbours received a letter and a site notice captured more residents
- With regard to suspicion, the applicant has confirmed that the proposal would not cater to people who suffer from substance abuse and confirmed that the proposal is for a children's home for children that suffer from learning disabilities.
- In terms of a 'done deal' the sale of property is no indicator of planning permission being granted. The decision on the application has not yet been made.
- The remaining material planning considerations raised in the objections will be addressed in the assessment below.

Supporting comments summarised:

- Fantastic cause
- Excellent location with exposure to animals, green space and fresh air
- Wonderful idea would make a huge difference to countless numbers of children
- Beautiful detached property which would lend itself well for providing a safe space for children and somewhere they can call home
- Objectors have been misled on the proposed use
- Important that there is care provision for such vulnerable children
- The property seems perfect for such a use in a great location
- With just four residents it is unlikely the proposal would cause any harm to the local community
- The neighbourhood is stable and secure so the proposed users will be safe here
- Every child deserves a home like this

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

Specialist and Supported Housing Supplementary Planning Document (SPD)

CS9 Existing Communities

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP11 Housing for Specific Groups

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP24 Design Quality

5.0 Assessment of The Proposal

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

5.2 PRINCIPLE OF USE

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

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

5.4 Furthermore, the proposal would provide specialist accommodation for children and would help to increase the choice of accommodation for those with specific care needs, in accordance with Part 3 of Local Plan Policy CS11 (Providing a Range and Choice of Housing).

- 5.5 Policy CS11 looks to promote lifetime neighbourhoods with a good range and choice of accommodation, services and facilities to meet varied and changing needs. Particularly relevant to this application are parts 3 and 4 of the policy, which relate to increasing the choice of suitable accommodation including those with special needs, sheltered accommodation and extra care accommodation and providing adequate space inside and outside of the home.
- 5.6 The proposed change of use would increase the choice of accommodation for those with specific care needs, whilst providing adequate space inside and outside the home, in accordance with Part 3 of policy CS11 of the Local Plan for Gateshead.
- 5.7 Policy MSGP11 (Housing for Specific Groups) of the Local Plan states that specialist and supported accommodation and care schemes will be expected to provide on-site, or have good accessibility to, shops, services, community facilities and open space appropriate to the needs of the intended occupiers, their carers and visitors; and/or have good accessibility to public transport routes.
- 5.8 Section 4.7 of the Specialist and Supported Housing Supplementary Planning Document (SSH SPD) sets out requirements for children's homes. The SPD states that proximity to education services will be critical, as well as access to public transport, leisure facilities and medical services, while there should be well designed amenity space, internal and external, that will support learning, and enable play and activity without causing unreasonable impact on neighbouring properties.
- 5.9 The proposed development is within close proximity to education services, with easy access to public transport, as well as shops, community and leisure facilities and medical services within the settlement of Blaydon. The property has provided well designed internal space for the children and there is also a rear garden for external space.
- 5.10 It is noted that local residents have raised objections that there is currently a number of care homes in the area and that this does not promote community cohesion and how there could be potential anti-social behaviour.
- 5.11 The Council's Children's Services Team was consulted on the application and they have confirmed they have no objection to the proposal.
- 5.12 Children's Services have advised that the Council's Sufficiency Strategy for Gateshead Borough seeks to ensure enough children's homes in the local area, therefore ensuring there is capacity within Council operated children's homes and through the external market. Children's Services

advise that this is a key priority for the Council. Therefore, further provision to ensure sufficient provision is met is welcomed.

- 5.13 Childrens' Services advised that while the proposed home may be near existing homes, the provider would be contributing to addressing the need for such housing in Gateshead and they would work with the operator to manage any risks.
- 5.14 Furthermore, Northumbria Police have also been consulted and raise no objection to the planning application. Officers have discussed the concerns around other care homes in the vicinity and Northumbria Police raise no objection or evidence of anti-social behaviour relating to the other care homes in the local area.
- 5.15 Therefore, while the concerns regarding an additional care home is noted, there is no evidence to suggest that this additional Children's Care Home would cause an adverse impact to the locality in terms impact on the local community with anti-social behaviour or more generally in terms of harm to local community cohesion.
- 5.16 It is considered that the change of use from a dwellinghouse to a children's home, whilst resulting in the loss of a family dwelling, would increase the choice of specialist housing, as well as the choice of accommodation for those specific care needs. Therefore, in principle, the development is acceptable in planning terms in accordance with relevant Local Plan policies.
- 5.17 A detailed assessment needs to be made of the potential impacts upon the local area. These are considered below in the next sections of this report.
- 5.18 VISUAL AMENITY
Neighbour objections stated that the proposal would cause harm to the character and appearance of the street scene.
- 5.19 No extension or other external alterations are proposed to the property itself to facilitate the change of use. With no alterations or extensions, it is considered that the development would cause no adverse harm to the character or appearance of the subject site or surrounding area.
- 5.20 For the above reasons, it is therefore considered that the development would be acceptable in respect of design and visual impact, and would accord with the NPPF and policies CS15, MSGP24 and of the Local Plan for Gateshead.
- 5.21 RESIDENTIAL AMENITY
Policy MSGP 17 (Residential Amenity) of the Gateshead Local Plan makes clear that development will be required to provide a high-quality environment and a good standard of amenity for existing and future

occupants of land and buildings. Planning permission will be granted for new development where it:

1. does not have an unacceptable impact on amenity or character of an area, and does not cause unacceptable disturbance, through an increase in noise, disturbance, traffic and parking congestion, smells, fumes or other harmful effects, or conflict with other adjoining uses;
 2. safeguards the enjoyment of light, outlook and privacy; and
 3. ensures a high quality of design and amenity
- 5.22 Neighbour objections expressed concerns relating to anti-social behaviour, a threat to security and a harm to residential amenity through additional noise. Objection comments also raised concerns on the proposal potentially receiving permission and the dwelling then being used for another purpose that may be yet more harmful in terms of impact on residential amenity.
- 5.23 With no alterations or extensions proposed, the development would not result in any unacceptable impact on the amenity of neighbouring occupiers through a loss of light, outlook or privacy.
- 5.24 It is acknowledged that a level of domestic noise may be generated as a result of the change of use; however, taking into account the site circumstances, staffing levels, as well as the number of children who would live at the property, it is not considered that this level of noise would be unduly different to that associated with the existing use of the property as a four bedroomed residential dwelling.
- 5.25 Nonetheless, in the interests of protecting the amenity of the occupiers of neighbouring dwellings from unacceptable noise or disturbance at quieter morning or evening times, a condition is recommended requiring a noise management plan to be submitted and approved prior to the first use of the property as a children's home. Subject to the submission and satisfactory discharge of the condition, the Council's Environmental Health Officer has confirmed that they have no objections to the development.
- 5.26 Furthermore, in the interests of protecting residential amenity, a condition is proposed restricting the use of the property as a children's home to be occupied by no more than four children at any time. Any increase beyond the current number proposed may also necessitate an increase in staff numbers and vehicles movements associated with the use and would require a further assessment of the impact of this on neighbouring occupiers and highway users.
- 5.27 A number of objections have raised concerns that the proposed development could lead to anti-social behaviour, whilst also having the potential to exacerbate existing issues. Officers would, however, draw to attention that the planning system deals with the use and development of land, rather than the identity and background of any particular

occupiers of existing and proposed buildings. As noted above, officers consider that the principle of the use would accord with policy.

- 5.28 Furthermore, it is noted that the Designing Out Crime Officer at Northumbria Police has raised no objections to the proposal and in their comments they stated that it should be encouraged of the developer to install adequate CCTV at the site in order to aid in missing persons cases from the site.
- 5.29 It is considered that anti-social behaviour is a matter for the management of the building in connection with the Police and the Council's Environmental Health and/or Private Sector Housing sections and should not preclude granting planning permission in this case for the reasons cited above. On the basis of the information provided, Officers are satisfied that the applicant has demonstrated an operational management of the property. In addition, the ongoing management of the property would be subject to further, separate oversight and regulation through Ofsted.
- 5.30 Subject to the recommended conditions, it is not considered that the proposed use would be out of character with surrounding area or result in a detrimental impact on the amenity of surrounding residents through unacceptable noise and disturbance or a loss of privacy; and so the proposal would be in accordance with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.
- 5.31 **TRANSPORT AND HIGHWAY SAFETY**
Policy MSGP 15 of the Local Plan for Gateshead addresses the transport aspect of the design of new development. Under the requirements of MSGP15, proposals will need to secure safe access to the site for all people and provide adequate servicing facilities; and provide the level of parking necessary to secure the safe and effective operation of the development by:
- providing car parking for residential development to the levels set out in the Council's parking standards (Appendix 4a of Making Spaces for Growing Places)
 - limiting car parking for non-residential development in line with the Council's parking standards (Appendix 4b)
 - providing electric vehicle charging points in line with the Council's parking standards (Appendices 4a & 4b)
 - providing motorcycle parking facilities in line with Council's parking standards (Appendix 4b)
 - providing cycle parking facilities in line with the standards set out in the Council's cycle parking standards (Appendix 5)
- 5.32 Objection comments raised concerns about parking concerns in and around the application site.

- 5.33 However, following the receipt of further information in relation to staff numbers and shift patterns, Officers consider that the proposal would have no significant impact on highway safety or the surrounding highway network generally.
- 5.34 Car parking standards for the proposed use (C2) is 1 car parking space per 3 residents for visitors, which would equate to a requirement of 2 spaces for the 4 children that would be living there. It is suggested that the maximum number of cars on the site at any one time may be 5 and there is more than enough driveway space to accommodate this number of cars, with the garages also being made available for staff use. There is also sufficient driveway space to manoeuvre a vehicle within the curtilage to allow drivers to turn and exit the site in a forward gear.
- 5.35 The proposal was assessed by Officers against relevant policies of the Local Plan and the NPPF and they raised no objection to the proposal subject to the inclusion of conditions relating to electric charging provision and bicycle storage provision. With the inclusion of such conditions the proposal is considered to be acceptable on transport and highway safety grounds, in accordance with policies CS13 and MSGP15 of the Local Plan and the NPPF.

6.0 CONCLUSION

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

7.0 Recommendation:

That Planning Permission is GRANTED subject to the following conditions:

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

Location Plan
Existing Ground Floor Plan
Existing First Floor Plan
Amended Proposed Ground Floor Plan
Proposed First Floor Plan

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

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

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

Reason

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

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

Reason

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

4. The development hereby approved shall be implemented in accordance with the details of the noise management plan approved under condition 3 from the time the use commences and retained and maintained as such for the lifetime of the development.

Reason

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

5. Prior to the first occupation of the use hereby permitted, final details of the electric vehicle charging point(s) at the site shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

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

6. The electric vehicle charging point(s) approved under condition 5 shall be implemented wholly in accordance with the approved details prior to the first occupation/ use of the property as a children's home. The electric vehicle charging point(s) shall be retained thereafter for the life of the development.

Reason

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

7. Prior to the first occupation of the use hereby permitted, final details of secure and weatherproof bicycle storage at the site shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

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

8. The bicycle storage approved under condition 7 shall be implemented wholly in accordance with the approved details prior to the first occupation/ use of the property as a children's home. The bicycle storage shall be retained thereafter for the life of the development.

Reason

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

9. The property shall be used solely as a children's home under Use Class C2 (Residential Institutions) of the Use Classes Order 1987 (as amended) with a maximum occupancy of no more than four children at any time.

Reason

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

10. The use hereby approved shall operate with no more than 5 members of staff at the site any time in accordance with the applicant's email correspondence dated: 9th January 2024'

Reason

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



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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

20th March 2024

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 08.2.2024 and ending 05.03.2024 the enforcement team has received 168 new service requests. The enforcement team currently has 554 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	33	19	21	201	0			
Empty/vacant properties & sites	11	7	1	110	0			
Highways	24	30	28	100	0			
Abandoned vehicles	44	44	45	20	0			

Waste investigations	56	56	28	123	2	0	0	0
TOTALS	168	156	123	554	2	0	0	0

COURT HEARINGS

No court hearings have occurred in this period.



**REPORT TO PLANNING AND DEVELOPMENT
COMMITTEE**

20th March 2024

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
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>05.03.2024 – A Topographic survey has been received but not yet considered in detail, however, it looks broadly on course to meet the approved restoration scheme subject to site settlement.</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
Page 24								<p>21.11.2023 – Prior to taking any formal enforcement action, Planning Contravention Notices have been served on several parties to establish their respective interests in the land as there have been many changes in recent years. Once responses are received this will assist in determining the enforcement approach.</p> <p>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>	
	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</p>	<p>05.03.2024 – A Topographic survey has been received but not yet considered in detail, however, it looks broadly on course to meet the approved restoration scheme subject to site settlement.</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>owner, Environment Agency, Planning, Enforcement and consultant on 03.05.23.</p> <p>Agreed on action that is required by owner to ensure compliance and required timescales.</p> <p>18.10.2023 – The three discharge of condition applications to cover the breach of conditions have been determined in the last week, with the majority refused. The new sole director of the company has been notified and provided a copy of the decision notices. Advice is awaited as to how enforcement action will proceed.</p> <p>21.11.2023 – Prior to taking any formal enforcement action, Planning Contravention Notices have been served on several parties to establish their respective interests in the land as there have been many changes in recent years. Once responses are received this will assist in determining the enforcement approach.</p> <p>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>	
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</p>	<p>5.3.2024 – The owner's representative is continuing to undertake works on the site and building. The site has been secured, and parts of the fabric of the building have been removed back to shell. The Council are monitoring progress closely whilst still finalising its demolition proposals. In the event that the owner makes satisfactory progress prior to demolition,</p>

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Case History	Current Update
Page 26								<p>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 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</p>	<p>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 27								<p>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 intention to pursue the demolition of the property. Works are ongoing and it is anticipated that all of the required arrangements for demolition to progress will have been completed by the end of January 2024 with demolition completed by the end of the 1st quarter of 2024. The appeal hearing relating to the CPN notice is scheduled to be heard on 23 January 2024 at South Tyneside magistrate's court.</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</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
								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.	
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>	05.03.2024 - No further information has yet been provided by the planning inspectorate.
5.	1-2 Durham Road Birtley DH3 1LE	Birtley	Without planning permission the installation of new shopfront including cement cladding panels to front and side elevations	13 th August 2023	13 th September 2023	13 th October 2023	13 th February 2024	<p>The enforcement team received a complaint that a new shop front including cement cladding panels to front and side had been installed on the premises.</p> <p>A retrospective planning application was secured, however, planning permission was refused. An Enforcement Notice has now been served requiring the removal of the unauthorised shop front and cement</p>	5.3.2024 – No further update

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>cladding panels.</p> <p>06.10.2023 – Appeal has been lodged with the planning inspectorate. Start date of the appeal process is 27.11.2023 and is to be heard by way of written representations. Closing date for representations of 08.01.2024. which has now passed. Notice is suspended until the outcome of the appeal is determined.</p> <p>2.2.2024 – Letter received from Planning Inspectorate informing the Council that they currently have a significant backlog of Enforcement cases awaiting site visit/oral event.</p>	
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	14 th February 2024	20 th March 2024	20 th July 2024	<p>The Council received a report that a metal structure had been erected in front of the premises. A retrospective application was secured, however planning permission was refused. A subsequent appeal was dismissed by the Planning Inspectorate and the Enforcement Notice has now been served requiring the removal of the unauthorised structure comprising of a metal framework and slate tiled monopitch canopy.</p> <p>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.</p>	5.3.2024 – A new enforcement notice was served on 14 February 2024. Recipients have until 20th March 2024 to lodge an appeal with the Planning Inspectorate
7.	Daveys Breakfast and Sandwiches 592 - 596 Durham Road Gateshead NE9 6HX	Low Fell	Without planning permission, the material change of use of the Land from Café (Use class E) to Hot Food Takeaway (Sui Generis).	12 th February 2024	20 th February 2024	21 st March 2024	11 th July 2024	<p>The council received a complaint that the premises was operating as a hot food takeaway without planning permission. A retrospective planning application was secured, however, planning permission was refused.</p>	5.3.2024 - An Enforcement Notice was served on 20th February 2024 requiring the cessation of the land as a hot foot takeaway. Recipients have until 21st March 2024 to lodge an appeal with the Planning Inspectorate

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TITLE OF REPORT: Planning Appeals

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

Purpose of the Report

1. To advise the Committee of new appeals received and to report the decisions of the Secretary of State received during the report period.

New Appeals

2. There has been **two** new appeal lodged since the last committee:

DC/22/00072/FUL - Orchard House Saltwell Road South Gateshead NE9 6DT - Erection of a two storey, self-contained ancillary dwelling within the grounds of Orchard House (additional information received).
This was a delegated decision on 02.08.2023

DC/23/00742/COU - Land Adjacent To 6 Hopedene Leam Lane Estate Felling Gateshead NE10 8JB.
Change of use from open space to private garden space enclosed by fence (up to 1.9m high) (resubmission).
This was a delegated decision 24.11.2023

Appeal Decisions

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

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.
This was a delegated decision on 06.10.2023
Appeal Allowed on - 08.02.2024

DC/23/00329/TDPA - Grass Verge At Junction Of Deckham Terrace And Split Crow Road DETERMINATION OF PRIOR APPROVAL: Installation of 1No 20m slim-line monopole supporting 6No antennas, 2No transmission dishes, 2No equipment cabinets, and ancillary development thereto including 3No Remote Radio Units (RRUs) and 1No GPS module.
This was a delegated decision on 06.06.2023
Appeal Dismissed on 05.02.2024

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

Contact: Emma Lucas Ext: 3747

APPENDIX 1

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/22/00072/FUL	Land Adjacent To 6 Hopedene Leam Lane Estate Felling Gateshead NE10 8JB	Erection of a two storey, self-contained ancillary dwelling within the grounds of Orchard House (additional information received).	Written	Appeal in Progress
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/23/00132/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 Dismissed
DC/23/00687/HHA73	21 Church Rise Newcastle Upon Tyne NE16 4BU	Proposed extension and new roof to existing outbuilding and conversion to home office/ temporary accommodation. Replace existing shed roof with a new timber roof with a rubber roof membrane.	Written	Appeal Allowed
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/23/00742/COU	Land Adjacent To 6 Hopedene Leam Lane Estate Felling Gateshead NE10 8JB.	Change of use from open space to private garden space enclosed by fence (up to 1.9m high) (resubmission).	Written	Appeal in Progress



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: 8 February 2024

Appeal Ref: APP/H4505/D/23/3332391

21 Church Rise, Whickham, Gateshead NE16 4BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Seyyed esmail seyayed pour against the decision of Gateshead Council.
- The application Ref DC/23/00687/HHA73, dated 26 July 2023, was refused by notice dated 6 October 2023.
- The application sought planning permission for extension and new roof to existing outbuilding and conversion to home office/temporary accommodation without complying with conditions attached to planning permission Ref DC/22/01371/HHA, dated 9 February 2023.
- The conditions in dispute are Nos 2 and 3, which state that:
 - (2) Development shall be carried out in complete accordance with the approved plans as detailed below: Site Location Plans (1:1250); Existing and Proposed Site Plans (1:200); Existing and Proposed Elevations (1:100); Existing and Proposed Floor Plans (1:200); Existing Roof Plan (1:50); proposed 3D View. 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.
 - (3) The development hereby permitted shall be constructed entirely of the materials detailed and shown on plans submitted 20/12/22.
- The reasons given for the conditions are:
 - (2) In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.
 - (3) To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF and policies CS14, CS15 and MSGP24 of the Local Plan for Gateshead.

Decision

1. The appeal is allowed and planning permission is granted for extension and new roof to existing outbuilding and conversion to home office/temporary accommodation at 21 Church Rise, Gateshead NE16 4BU in accordance with the terms of the application, Ref DC/23/00687/HHA73, dated 26 July 2023, without compliance with conditions 2 and 3 previously imposed on planning permission Ref DC/22/01371/HHA dated 9 February 2023, but subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Existing and Proposed Site Plan SCRPP01 Rev02; Proposed 01 SCRPP04 Rev 02; Proposed 02 SCRPP05 Rev02; Proposed 03 SCRPP06 Rev02.

- 2) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling at 21 Church Rise.

Preliminary Matters

2. Planning permission was granted at the site in February 2023 for the conversion of a garage to a home office/temporary accommodation, including a 3.5m front extension. The application subject to this appeal effectively sought to replace the previously approved plans with different plans that increase the front extension to 5m in length (1.5m additional) and add a 2m rear extension.
3. At my site visit I saw that development had already begun, but it was apparent that there were some discrepancies with the revised plans that I am being asked to consider. These include a tall wall running from the front of the building to the highway and some changes to window openings. Thus, to avoid prejudicing the Council and any interested parties who may not be aware of these changes, I have determined the appeal on the basis of the submitted plans and not what is currently on site.

Main Issues

4. The main issues are the effect on the character and appearance of the area, and upon the living conditions of the occupiers of 2 Coalway Lane in terms of outlook, light, and privacy.

Reasons

Character and appearance

5. The appeal property occupies a large corner site within an established residential area containing a mix of bungalows and two-storey, semi-detached houses of different designs and materials.
6. The outbuilding in question is located at the rear of the property, facing towards Coalway Lane. Although the proposals would increase the length of the building, its full extent would not be readily apparent from the street. Further, as it would not project beyond the front wall of 2 Coalway Lane, it would not interrupt any important building line considerations in the street.
7. In addition, its scale would remain clearly subordinate to the host dwelling, and due to the size of the garden and the separation from the road, side, and rear boundaries, it would not appear cramped within the plot. Nor would it deprive the property of adequate garden space.
8. Matching materials are proposed, and as this is already specified on the plans, a separate condition to this effect is unnecessary. I note that the Council did not raise any specific objection to the building materials.
9. Overall, the development would not be excessive or unduly conspicuous and would have no significant impact on the street scene. Accordingly, there would be no harm caused to the character and appearance of the area. The proposal therefore complies with Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (2015) (the CS), and Policy MSGP24 of the Making Spaces for Growing Places Local Plan Document for Gateshead (2021) (the LPD), which together seek design that is compatible with local character and distinctiveness including in terms of scale, height, massing and

layout. It also complies with advice in the Council's Household Alterations and Extensions Supplementary Planning Document (SPD) in these regards.

Living conditions

10. The proposal would increase the length of the development along the boundary with 2 Coalway Lane (No 2), which lies to the south and at a lower level to the appeal site.
11. Nevertheless, No 2 has a driveway at the side and does not contain any habitable room windows in its side elevation. The canopy over the driveway would also help to obscure the full height of the building when using the driveway. There appears to be a habitable room window in the front elevation of No 2, but the proposed front extension would not project beyond this window. As such, I do not consider that the additional forward projection would have a significantly greater impact on the light and outlook of No 2 compared to what has already been approved.
12. A more notable change is that the proposal would now project beyond the rear wall of No 2 by around 2m. However, I saw that No 2's nearest window is obscurely glazed. This, together with the separation from the boundary and sloping roof form, would ensure that the rearward extension of the building would not appear unduly dominant or cause any significant shading effects for the rear outlook and garden of No 2, notwithstanding the difference in ground levels.
13. The reasons for refusal also refer to a loss of privacy to No 2. However, no further explanation is given in the planning officer's report and I cannot identify any reason why the proposal would cause a loss of privacy to No 2.
14. I therefore find that the development would not materially harm the living conditions of the occupiers of 2 Coalway Lane in terms of outlook, light, and privacy. As such, the proposal complies with the residential amenity requirements of CS Policy CS14, LPD Policy MSGP17, and the SPD.

Conditions

15. The approved plans condition has been amended to reflect the latest approved plans and I have reimposed the condition relating to the use of the building as this is uncontested and appears still to be relevant. However, I have not reimposed the standard time limit condition because works have already begun, while a condition relating to building materials is unnecessary as these are indicated on the approved plans.

Conclusion

16. For the reasons given, I conclude that the appeal should succeed and a further planning permission should be granted.

A Caines

INSPECTOR

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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: 5th February 2024

Appeal Ref: APP/H4505/W/23/3334586

Grass Verge South of Split Crow Road, East of junction with Deckham Terrace, Gateshead, Tyne and Wear NE8 3TX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Cornerstone against the decision of Gateshead Council.
 - The application Ref DC/23/00329/TDPA, dated 3 April 2023, was refused by notice dated 6 June 2023.
 - The development proposed is a 20m slim-line monopole supporting 6 no. antennas and 2 no. transmission dishes, 2 no. equipment cabinets, and ancillary development thereto including 3 no. Remote Radio Units (RRUs) and 1 no. GPS module.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area, and the living conditions of the occupiers of houses close to the site; and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternative sites.

Reasons

3. The appeal follows a decision by the Council not to give their approval for the siting and appearance of a development that would otherwise be permitted under Part 16 of Schedule 2 to the GPDO. The permission granted under the GPDO is equal to an outline planning permission and the consideration of the proposal is limited to its siting and appearance, taking into account any representations received.
4. The proposal has been put forward as an upgrade of an existing telecommunications site, which currently comprises a 15m high mast and associated cabinets located within the pavement outside a former public house on the north side of Split Crow Road. I saw that the existing mast sits acceptably within the street scene. Although slightly higher than the streetlights and surrounding two and three storey buildings, in longer distance views its siting and appearance is not significantly more apparent.
5. However, the proposed replacement mast and cabinets would be located within a more open grassed area on the south side of Split Crow Road where it would

be a very prominent feature. Moreover, at 20 metres in height the proposed mast would far exceed the height of the existing mast and would tower above the streetlights, nearby trees, and the roofs of the surrounding residential buildings. Consequently, the existing vertical features in the surrounding area would do little to prevent the mast from appearing overdominant in the street scene. Accordingly, due to the scale of the mast and in its context in relation to the townscape in this location, there would be a significant adverse visual effect, which would be harmful to the character and appearance of the area, notwithstanding it is not a conservation area.

6. Furthermore, there are a number of residential properties which have their front doors and some habitable room windows facing the site at a distance of approximately 19-20m away, namely 67-71 Split Crow Road and 64-67 Deckham Terrace. Although the proposed mast would have a relatively slender profile, its impact would still be of some significance due to its height and proximity. The occupiers of these houses would find the presence of the mast to be quite unavoidable, and it would appear as an intrusive and dominant feature, even taking into account the relatively busy nature of the adjacent road. Given the severity of this impact, I consider that the effect on the living conditions of these neighbouring occupiers could not be regarded as reasonable. As such, I find that the proposal would give rise to significant adverse effects on living conditions for the occupiers of houses close to the site.
7. Thus, whilst not decisive, the proposal also conflicts with Policies CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (2015), and Policies MSGP17 and MSGP24 of the Making Spaces for Growing Places Local Plan Document for Gateshead (2021), in so far as they require development to be compatible with local townscape character including in terms of scale and height, and to ensure a high-quality environment and a good standard of amenity for existing and future occupants of land and buildings.

Alternative sites

8. The appellant advises that the existing site is not capable of being upgraded to provide the latest 4G and 5G services, and that the height of the proposed mast is the lowest possible to clear surrounding trees and buildings. Further information submitted with the application shows that several alternative sites were considered, and reasons are given why they were all discounted. No further sites have been suggested by the Council.
9. A number of the sites are clearly too far away or have physical and technical constraints. However, I note that some of the sites were ruled out solely on visual prominence and proximity to residential properties. This is at odds with the selection of the appeal site and it is not sufficiently clear that the appeal site is preferable in these respects. Nor is it known whether a mast of the same height would be required on all these sites.
10. Therefore, I cannot be certain that none of the alternative sites are less harmful locations for the proposal. As such, I am not satisfied that the harm I have identified above should be outweighed by the need for the installation to be sited as proposed.

Other Matters

11. I note the various social and economic benefits that would arise from the proposal. However, those benefits have effectively been recognised by the grant of permission under Article 3(1) of the GPDO. Moreover, the GPDO is clear that the only considerations should be the siting and appearance of the proposal. I have considered the appeal on this basis.
12. Other appeal decisions have been referred to, but they are in different locations and the masts were not as tall as the scheme that is before me, so they have little bearing on the outcome of this appeal.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR

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TITLE OF REPORT: Planning Appeals

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

Purpose of the Report

1. To advise the Committee of new appeals received and to report the decisions of the Secretary of State received during the report period.

New Appeals

2. There has been **two** new appeal lodged since the last committee:

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Change of use from open space to private garden space enclosed by fence (up to 1.9m high) (resubmission).
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Appeal Decisions

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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.
This was a delegated decision on 06.10.2023
Appeal Allowed on - 08.02.2024

DC/23/00329/TDPA - Grass Verge At Junction Of Deckham Terrace And Split Crow Road DETERMINATION OF PRIOR APPROVAL: Installation of 1No 20m slim-line monopole supporting 6No antennas, 2No transmission dishes, 2No equipment cabinets, and ancillary development thereto including 3No Remote Radio Units (RRUs) and 1No GPS module.
This was a delegated decision on 06.06.2023
Appeal Dismissed on 05.02.2024

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

Contact: Emma Lucas Ext: 3747

APPENDIX 1

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/22/00072/FUL	Land Adjacent To 6 Hopedene Leam Lane Estate Felling Gateshead NE10 8JB	Erection of a two storey, self-contained ancillary dwelling within the grounds of Orchard House (additional information received).	Written	Appeal in Progress
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/23/00132/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 Dismissed
DC/23/00687/HHA73	21 Church Rise Newcastle Upon Tyne NE16 4BU	Proposed extension and new roof to existing outbuilding and conversion to home office/ temporary accommodation. Replace existing shed roof with a new timber roof with a rubber roof membrane.	Written	Appeal Allowed
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/23/00742/COU	Land Adjacent To 6 Hopedene Leam Lane Estate Felling Gateshead NE10 8JB.	Change of use from open space to private garden space enclosed by fence (up to 1.9m high) (resubmission).	Written	Appeal in Progress



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: 8 February 2024

Appeal Ref: **APP/H4505/D/23/3332391**

21 Church Rise, Whickham, Gateshead NE16 4BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Seyyed esmail seyayed pour against the decision of Gateshead Council.
- The application Ref DC/23/00687/HHA73, dated 26 July 2023, was refused by notice dated 6 October 2023.
- The application sought planning permission for extension and new roof to existing outbuilding and conversion to home office/temporary accommodation without complying with conditions attached to planning permission Ref DC/22/01371/HHA, dated 9 February 2023.
- The conditions in dispute are Nos 2 and 3, which state that:
 - (2) Development shall be carried out in complete accordance with the approved plans as detailed below: Site Location Plans (1:1250); Existing and Proposed Site Plans (1:200); Existing and Proposed Elevations (1:100); Existing and Proposed Floor Plans (1:200); Existing Roof Plan (1:50); proposed 3D View. 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.
 - (3) The development hereby permitted shall be constructed entirely of the materials detailed and shown on plans submitted 20/12/22.
- The reasons given for the conditions are:
 - (2) In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.
 - (3) To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF and policies CS14, CS15 and MSGP24 of the Local Plan for Gateshead.

Decision

1. The appeal is allowed and planning permission is granted for extension and new roof to existing outbuilding and conversion to home office/temporary accommodation at 21 Church Rise, Gateshead NE16 4BU in accordance with the terms of the application, Ref DC/23/00687/HHA73, dated 26 July 2023, without compliance with conditions 2 and 3 previously imposed on planning permission Ref DC/22/01371/HHA dated 9 February 2023, but subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Existing and Proposed Site Plan SCRPP01 Rev02; Proposed 01 SCRPP04 Rev 02; Proposed 02 SCRPP05 Rev02; Proposed 03 SCRPP06 Rev02.

- 2) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling at 21 Church Rise.

Preliminary Matters

2. Planning permission was granted at the site in February 2023 for the conversion of a garage to a home office/temporary accommodation, including a 3.5m front extension. The application subject to this appeal effectively sought to replace the previously approved plans with different plans that increase the front extension to 5m in length (1.5m additional) and add a 2m rear extension.
3. At my site visit I saw that development had already begun, but it was apparent that there were some discrepancies with the revised plans that I am being asked to consider. These include a tall wall running from the front of the building to the highway and some changes to window openings. Thus, to avoid prejudicing the Council and any interested parties who may not be aware of these changes, I have determined the appeal on the basis of the submitted plans and not what is currently on site.

Main Issues

4. The main issues are the effect on the character and appearance of the area, and upon the living conditions of the occupiers of 2 Coalway Lane in terms of outlook, light, and privacy.

Reasons

Character and appearance

5. The appeal property occupies a large corner site within an established residential area containing a mix of bungalows and two-storey, semi-detached houses of different designs and materials.
6. The outbuilding in question is located at the rear of the property, facing towards Coalway Lane. Although the proposals would increase the length of the building, its full extent would not be readily apparent from the street. Further, as it would not project beyond the front wall of 2 Coalway Lane, it would not interrupt any important building line considerations in the street.
7. In addition, its scale would remain clearly subordinate to the host dwelling, and due to the size of the garden and the separation from the road, side, and rear boundaries, it would not appear cramped within the plot. Nor would it deprive the property of adequate garden space.
8. Matching materials are proposed, and as this is already specified on the plans, a separate condition to this effect is unnecessary. I note that the Council did not raise any specific objection to the building materials.
9. Overall, the development would not be excessive or unduly conspicuous and would have no significant impact on the street scene. Accordingly, there would be no harm caused to the character and appearance of the area. The proposal therefore complies with Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (2015) (the CS), and Policy MSGP24 of the Making Spaces for Growing Places Local Plan Document for Gateshead (2021) (the LPD), which together seek design that is compatible with local character and distinctiveness including in terms of scale, height, massing and

layout. It also complies with advice in the Council's Household Alterations and Extensions Supplementary Planning Document (SPD) in these regards.

Living conditions

10. The proposal would increase the length of the development along the boundary with 2 Coalway Lane (No 2), which lies to the south and at a lower level to the appeal site.
11. Nevertheless, No 2 has a driveway at the side and does not contain any habitable room windows in its side elevation. The canopy over the driveway would also help to obscure the full height of the building when using the driveway. There appears to be a habitable room window in the front elevation of No 2, but the proposed front extension would not project beyond this window. As such, I do not consider that the additional forward projection would have a significantly greater impact on the light and outlook of No 2 compared to what has already been approved.
12. A more notable change is that the proposal would now project beyond the rear wall of No 2 by around 2m. However, I saw that No 2's nearest window is obscurely glazed. This, together with the separation from the boundary and sloping roof form, would ensure that the rearward extension of the building would not appear unduly dominant or cause any significant shading effects for the rear outlook and garden of No 2, notwithstanding the difference in ground levels.
13. The reasons for refusal also refer to a loss of privacy to No 2. However, no further explanation is given in the planning officer's report and I cannot identify any reason why the proposal would cause a loss of privacy to No 2.
14. I therefore find that the development would not materially harm the living conditions of the occupiers of 2 Coalway Lane in terms of outlook, light, and privacy. As such, the proposal complies with the residential amenity requirements of CS Policy CS14, LPD Policy MSGP17, and the SPD.

Conditions

15. The approved plans condition has been amended to reflect the latest approved plans and I have reimposed the condition relating to the use of the building as this is uncontested and appears still to be relevant. However, I have not reimposed the standard time limit condition because works have already begun, while a condition relating to building materials is unnecessary as these are indicated on the approved plans.

Conclusion

16. For the reasons given, I conclude that the appeal should succeed and a further planning permission should be granted.

A Caines

INSPECTOR

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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: 5th February 2024

Appeal Ref: APP/H4505/W/23/3334586

Grass Verge South of Split Crow Road, East of junction with Deckham Terrace, Gateshead, Tyne and Wear NE8 3TX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Cornerstone against the decision of Gateshead Council.
 - The application Ref DC/23/00329/TDPA, dated 3 April 2023, was refused by notice dated 6 June 2023.
 - The development proposed is a 20m slim-line monopole supporting 6 no. antennas and 2 no. transmission dishes, 2 no. equipment cabinets, and ancillary development thereto including 3 no. Remote Radio Units (RRUs) and 1 no. GPS module.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area, and the living conditions of the occupiers of houses close to the site; and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternative sites.

Reasons

3. The appeal follows a decision by the Council not to give their approval for the siting and appearance of a development that would otherwise be permitted under Part 16 of Schedule 2 to the GPDO. The permission granted under the GPDO is equal to an outline planning permission and the consideration of the proposal is limited to its siting and appearance, taking into account any representations received.
4. The proposal has been put forward as an upgrade of an existing telecommunications site, which currently comprises a 15m high mast and associated cabinets located within the pavement outside a former public house on the north side of Split Crow Road. I saw that the existing mast sits acceptably within the street scene. Although slightly higher than the streetlights and surrounding two and three storey buildings, in longer distance views its siting and appearance is not significantly more apparent.
5. However, the proposed replacement mast and cabinets would be located within a more open grassed area on the south side of Split Crow Road where it would

be a very prominent feature. Moreover, at 20 metres in height the proposed mast would far exceed the height of the existing mast and would tower above the streetlights, nearby trees, and the roofs of the surrounding residential buildings. Consequently, the existing vertical features in the surrounding area would do little to prevent the mast from appearing overdominant in the street scene. Accordingly, due to the scale of the mast and in its context in relation to the townscape in this location, there would be a significant adverse visual effect, which would be harmful to the character and appearance of the area, notwithstanding it is not a conservation area.

6. Furthermore, there are a number of residential properties which have their front doors and some habitable room windows facing the site at a distance of approximately 19-20m away, namely 67-71 Split Crow Road and 64-67 Deckham Terrace. Although the proposed mast would have a relatively slender profile, its impact would still be of some significance due to its height and proximity. The occupiers of these houses would find the presence of the mast to be quite unavoidable, and it would appear as an intrusive and dominant feature, even taking into account the relatively busy nature of the adjacent road. Given the severity of this impact, I consider that the effect on the living conditions of these neighbouring occupiers could not be regarded as reasonable. As such, I find that the proposal would give rise to significant adverse effects on living conditions for the occupiers of houses close to the site.
7. Thus, whilst not decisive, the proposal also conflicts with Policies CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (2015), and Policies MSGP17 and MSGP24 of the Making Spaces for Growing Places Local Plan Document for Gateshead (2021), in so far as they require development to be compatible with local townscape character including in terms of scale and height, and to ensure a high-quality environment and a good standard of amenity for existing and future occupants of land and buildings.

Alternative sites

8. The appellant advises that the existing site is not capable of being upgraded to provide the latest 4G and 5G services, and that the height of the proposed mast is the lowest possible to clear surrounding trees and buildings. Further information submitted with the application shows that several alternative sites were considered, and reasons are given why they were all discounted. No further sites have been suggested by the Council.
9. A number of the sites are clearly too far away or have physical and technical constraints. However, I note that some of the sites were ruled out solely on visual prominence and proximity to residential properties. This is at odds with the selection of the appeal site and it is not sufficiently clear that the appeal site is preferable in these respects. Nor is it known whether a mast of the same height would be required on all these sites.
10. Therefore, I cannot be certain that none of the alternative sites are less harmful locations for the proposal. As such, I am not satisfied that the harm I have identified above should be outweighed by the need for the installation to be sited as proposed.

Other Matters

11. I note the various social and economic benefits that would arise from the proposal. However, those benefits have effectively been recognised by the grant of permission under Article 3(1) of the GPDO. Moreover, the GPDO is clear that the only considerations should be the siting and appearance of the proposal. I have considered the appeal on this basis.
12. Other appeal decisions have been referred to, but they are in different locations and the masts were not as tall as the scheme that is before me, so they have little bearing on the outcome of this appeal.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR

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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

20 March 2024

TITLE OF REPORT: Planning Obligations

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

Purpose of the Report

1. To advise the Committee of the completion of Planning Obligations which have previously been authorised.

Background

2. To comply with the report of the District Auditor "Probity in Planning" it was agreed that a progress report should be put before the Committee to enable the provision of planning obligations to be monitored more closely.
3. Since the last Committee there have been **no** new planning obligations.
4. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2 on the Planning Obligations report on the online papers for Planning and Development Committee for 20 March 2024

Recommendations

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

APPENDIX 1

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