

Committee Report

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

1.0 The Application:

1.1 DESCRIPTION OF SITE

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

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

1.3 DESCRIPTION OF APPLICATION

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

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

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

- Design and Access Statement.

1.6 RELEVANT PLANNING HISTORY

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

2.0 Consultation Responses:

None

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. Individual neighbour letters were sent to local residents and site notices were erected on 18 April 2023.

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

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

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

3.4 The letter of support is summarised as follows;

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

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP24 Design Quality

MSGP36 Woodland, Trees and Hedgerows

5.0 Assessment:

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

5.2 HIGHWAYS

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

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

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

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

5.6 VISUAL AMENITY

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

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

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

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

5.9 RESIDENTIAL AMENITY

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

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

5.11 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is housing related. The development is not CIL chargeable development, therefore, this proposal would not be charged.

5.12 OTHER MATTERS

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

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

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

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

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

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

6.0 Conclusion

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

7.0 Recommendation:

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

1

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -
TS-0572-002 - Proposed New Footpath (adjacent St Agnes Primary School).
TS-0572-001 - Footpath Works

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

Reason

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

2

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

Reason

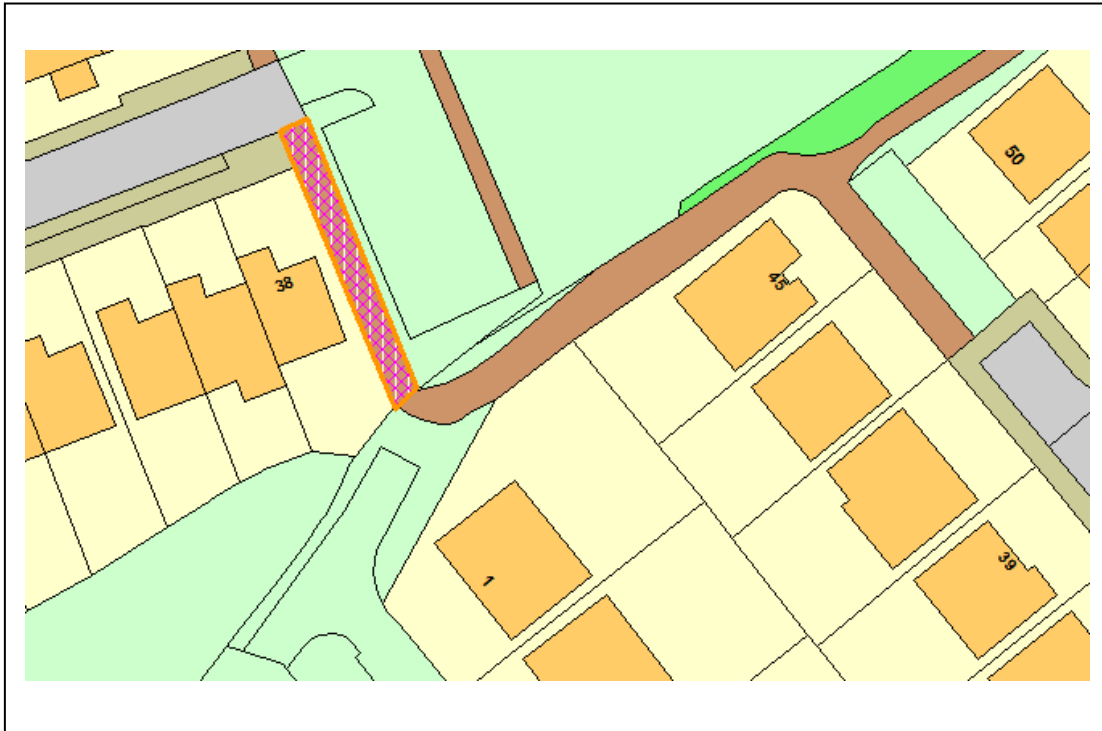
To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

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

Reason

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



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