



## *PLANNING AND DEVELOPMENT COMMITTEE AGENDA*

**Wednesday, 8 September 2021 at 10.00 am in the Council Chamber - Civic Centre**

---

From the Chief Executive, Sheena Ramsey

---

Item	Business
<b>1</b>	<b>Apologies for Absence</b>
<b>2</b>	<b>Minutes</b>  The Committee is asked to approve as a correct record the minutes of the meeting held 11 August 2021 (copy previously circulated).
<b>3</b>	<b>Declarations of Interest</b>  Members to declare interests in any agenda items
<b>4</b>	<b>Planning Applications</b> (Pages 3 - 6)
<b>4i</b>	<b>No. 1 - Eighton Lodge, Low Eighton, Harlow Green, Gateshead NE9 7UB</b> <b>(Pages 7 - 12)</b>
<b>5</b>	<b>Delegated Decisions</b>  Report of the Strategic Director, Communities and Environment
<b>6</b>	<b>Enforcement Team Activity</b> (Pages 13 - 14)  Report of the Strategic Director, Communities and Environment
<b>7</b>	<b>Enforcement Action</b> (Pages 15 - 20)  Report of the Strategic Director, Communities and Environment
<b>8</b>	<b>Planning Appeals</b> (Pages 21 - 36)  Report of the Strategic Director, Communities and Environment
<b>9</b>	<b>Planning Obligations</b> (Pages 37 - 38)  Report of the Strategic Director, Communities and Environment

Contact: Helen Conway - Email: [HelenConway@gateshead.gov.uk](mailto:HelenConway@gateshead.gov.uk), Tel: 0191 433 3993,  
Date: Tuesday, 31 August 2021



PLANNING AND DEVELOPMENT  
COMMITTEE  
**8 September 2021**

**TITLE OF REPORT:** Planning applications for consideration

**REPORT OF:** Anneliese Hutchinson, Service Director,  
Planning, Climate Change and Strategic 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.

## Contents

Application Number	Site Location	Ward
1. DC/21/00752/ADV	Eighton Lodge Low Eighton	Lamesley

## **DEVELOPMENT PLAN**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 specifies that: 'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The NPPF was published in 2019 by Ministry of Housing, Communities and Local Government (MHCLG) and is a material consideration in planning decisions. The NPPF is supported by Planning Practice Guidance (PPG), which provides further detail on how some policies of the NPPF should be applied.

## **LOCAL PLAN**

In 2015 Gateshead Council and Newcastle City Council adopted Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030 (CSUCP). This Development Plan Document (DPD) sets area-wide planning policies for Gateshead and Newcastle (including policies setting out the amount and broad distribution of new development) and provides more detailed policies for the Urban Core of Gateshead and Newcastle.

We have carried out a Review of the CSUCP and concluded that it remains up-to-date in that it continues to be in general conformity with the provisions of the NPPF and helps to deliver the key priorities and aims of both.

The Council adopted Making Spaces for Growing Places (MSGP) on 1<sup>st</sup> February 2021, and this part of the Local Plan complements the CSUCP by setting out non-strategic allocations, designations and development management policies for Gateshead.

In accordance with the Planning and Compulsory Purchase Act 2004 (as amended) the CSUCP and MSGP form part of the statutory development plan for Gateshead. The CSUCP and MSGP between them supersede and delete all of the saved policies remaining from the Unitary Development Plan (UDP). Lists of the respective deleted UDP policies are provided in Appendix 1 of the CSUCP and Appendix 19 of MSGP.

In the report for each application, specific reference will be made to those policies and proposals which are particularly relevant to the application site and proposed development.

The Council has published Supplementary Planning Documents to indicate the preferred approach to some types of development, and give greater detail on how some policies will be considered and applied. These continue to be revised and updated where appropriate.

## **UPDATES**

The agenda is formed and printed approximately a week prior to the Planning and Development Committee meeting. Information, correspondence and representations can sometimes be received in the intervening period. In such cases a written update report will be circulated to Members the day prior to the meeting and on occasion there may be further verbal updates to Members from officers, so that Members are aware of all material planning considerations when making their decision on applications.

## **SPEAKING AT COMMITTEE**

Gateshead Council seeks to be inclusive in its decision making process and therefore allows applicants, agents and interested parties to make verbal representation to Members at Committee in accordance with the Council's agreed speaking rights protocol; amongst other procedural requirements, a person must have submitted a request to speak in writing at least a week in advance of the meeting, and subsequently confirmed their intention to speak.

For further details of speaking rights at committee contact the Development Management Team on (0191) 433 3150 or please view the leaflet 'Having Your Say' available from Development Management.

## **SITE PLANS**

The site location plans included in each report are for illustrative purposes only. Scale plans are available to view on the application file or via Public Access.

## **PUBLICITY/CONSULTATIONS**

The reports identify the responses to site notices, press notices, consultations and/or neighbour notifications which have been undertaken. The reports include a précis of the comments received, full copies of letters are available to view on the application file. In all cases the consultations and publicity have been carried out in accordance with the appropriate procedure(s).

## **SITE VISITS**

On occasion the Committee will defer making a decision until they have viewed the application site themselves as a group. The visits are fact finding visits only and no debate or decision making will take place on the visit and no representations will be heard at these visits and therefore the Local Planning Authority will not invite applicants or third parties to attend unless for the sole purpose of arranging access to land and or/ buildings.

## **LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION (AS AMENDED)**

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These papers are held on the relevant application file and are available for inspection during normal office hours at the Communities and Environment reception, Civic Centre, Regent Street, Gateshead NE8 1HH.

**Committee Report**

<b>Application No:</b>	<b>DC/21/00752/ADV</b>
<b>Date Application Valid</b>	<b>2 July 2021</b>
<b>Applicant</b>	<b>Mr David Dryden</b>
<b>Site:</b>	<b>Eighton Lodge Low Eighton Harlow Green Gateshead NE9 7UB</b>
<b>Ward:</b>	<b>Lamesley</b>
<b>Proposal:</b>	<b>Display of 3 externally illuminated and 2 non-illuminated signs (amended plans received 24.08.21)</b>
<b>Recommendation:</b>	<b>GRANT TEMPORARY PERMISSION</b>
<b>Application Type</b>	<b>Application to Display Adverts</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF SITE.**

This application concerns a detached care home at Low Eighton. The surrounding area is predominantly residential however there is a public house/hotel, The Angel View Inn, immediately adjacent. The main pedestrian and vehicular access is gained from a junction off Durham Road, north of the A1 roundabout at Birtley, however there is also an access via Long Bank.

1.2 The care home site is enclosed by various boundary treatments including a random stone wall and post and panel fence and views into the site are screened by a substantial amount of shrub and tree planting.

**1.3 DESCRIPTION OF APPLICATION**

The application under consideration is for advertisement consent for a total of five flat panel signs mounted on metal support posts. Signs 1 will be 2 metres in height and 2 metres in width and will be fixed to 0.5 metre post and sign 4 will be 1.5 metres in height and 2 metres in width and will be fixed to 0.5 metre posts. Signs 2, 3 and 5 will be 1 metre in height and 2 metre in width and will be fixed to 0.5 metre posts

1.4 Three are externally illuminated signs, by the use of trough lighting, one to be located behind the boundary wall at the Durham Road access road (Sign 1) and two located at the main entrance of the care home (Signs 2&3). They would be illuminated at 600cd/m<sup>2</sup>, reduced from the original 1200cd/m<sup>2</sup> as submitted.

1.5 The application also proposes 2no non illumined signs one to be located at the Long Bank access road (Sign 4) and one to be located further along the access road adjacent to Longacre Cottage (Sign 5).

- 1.6 Signs 2, 3 and 4 were originally submitted with directional arrows included, however following concerns raised they have now been removed from all signage.
- 1.7 **PLANNING HISTORY**  
Advertisement consent was granted in 2018 (DC/18/00213/ADV) for the display of two post mounted signs at locations 1 and 2 of the advertisement application currently under consideration.

## **2.0 Consultation Responses:**

None

## **3.0 Representations:**

- 3.1 5no letter of objection have been received, raising concern with regards

- out of character
- loss of view
- noise and disturbance
- loss of trees
- size and scale of signage excessive
- Hamlet turned into mini-commercial site
- clinical look of signs
- restricted views for traffic
- highway and pedestrian safety
- additional traffic
- not enough space for adequate turning on private access
- use of private road for access to care home
- no right of access to private road
- private road use and maintenance for residents

## **4.0 Policies:**

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

## **5.0 Assessment of the Proposal:**

- 5.1 The issues to be taken into consideration in the assessment of this application are limited to matters of amenity and public safety only.
- 5.2 The application is to be assessed with regard to Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and paragraph 136 of the National Planning Policy Framework (NPPF) (2021), which guides that poorly sited and designed advertisements can be detrimental to the quality and character of places, and that "advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts".



### 5.3 AMENITY

The NPPG provides guidance on how 'amenity' is to be assessed, which is usually understood to mean the effects on aural and visual amenity in the immediate neighbourhood of an advertisement of site for the display of advertisements, where residents or passers-by will be aware of the advertisement. In assessing amenity, the Local Planning Authority are then to consider "the local characteristics of the neighbourhood, for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features".

5.4 The application site is not considered to be within a sensitive area. The site is not located within an area of particular scenic, historic, architectural or cultural importance; it is not within a Conservation Area and there are no Listed Buildings nearby that would be affected. The Angel of the North, a non-designated heritage asset, is some 260m from the site however the signage does not have any adverse impact on its appearance or setting.

5.5 It is noted that the area is predominately residential in nature, however there are a small number of commercial advertisements within the area associated with the Eighton Lodge care home and the Angel View Inn.

5.6 It is considered the proposed sign at the Durham Road junction that given it will replace an existing sign and with regards to its location towards a dual carriageway with various roadside signage it is not considered to be out-of-keeping with the character of the area.

5.7 With regards to the 2no signs at the car park entrance, given their size and scale and that there is a sign already in situ, which will be replaced, it is considered they are acceptable.

5.8 Sign 4 is located on the junction of Long Bank, it is considered that the size and scale of the sign is such that it will not appear out of character or lead to an unacceptable impact on the visual amenity of the area, furthermore signage has been granted permission at the nearby Ravensworth Golf Course on the Long Bank junction.

5.9 Sign 5 will be located along the access road between Long Bank and the access roads to the residential properties and the Angel View Inn. There is a signage already in situ nearby, advertising the Angel View Inn and therefore it is considered to be an acceptable location for the proposed sign.

5.10 Whilst, the 2018 approval removed the lighting element of the proposed signs, it is considered the low levels proposed within this application and, following a site visit which found 3no streetlamps in close proximity to where the illuminated signs will be sited and a further one located towards the Angel View Inn, it is considered the proposed illumination is acceptable.

### 5.11 PUBLIC SAFETY

The proposed signage would not result in prominent features which would adversely impact on the safety of persons using any highway; obscure or hinder the ready interpretation of any traffic sign; or hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

5.12 Whilst highways have requested a 2m x2m visibility splay on sign 1, on balance it is considered that whilst the location of the proposed sign is in a slightly different location than the sign previously approved under DC/18/00213/ADV, the new location, set back behind the wall at the junction offers more visibility than the existing sign and as such is acceptable.

5.13 Amended plans were submitted removing the directional arrows from signs 1 and 4 which are both located immediately adjacent to a public highway.

#### 5.14 OTHER MATTERS

Objectors raised concerns around the use of a private road which goes through the residential properties to the Eighton Lodge. It is considered that the use of the private road for access is not a matter that can be considered as part of this application for advertisement consent and is a civil matter.

5.15 Loss of view is not a material planning consideration and as such has not been considered as part of this application for advertisement consent.

5.16 No trees will be lost as a result of the proposed development.

## 6.0 CONCLUSION

6.1 The proposed advertisement scheme is acceptable as there would be no detrimental impact upon the character or amenity of the area or upon public safety as a result of its installation.

6.2 The proposal is therefore considered to be in accordance with paragraph 136 of the National Planning Policy Framework and Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

## 7.0 Recommendation:

That advertisement consent be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection be authorised to add, vary and amend the planning conditions as necessary:

1

The maximum illumination level of 600cd/m<sup>2</sup>, for Signs 1, 2 and 3, shall not be exceeded. Signs 4 and 5 shall not be illuminated unless first approved in writing by the Local Planning Authority.

Reason

To safeguard the amenity of the area in accordance with the National Planning Policy Framework and National Planning Practice Guidance.



This map is based upon Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Gateshead Council. Licence Number LA07618X

This page is intentionally left blank

**TITLE OF REPORT:** Enforcement Team Activity

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

### Purpose of the Report

1. To advise the Committee of the activity of the Enforcement Team since the last Committee meeting.

### Background

2. The Enforcement team deal with proactive and reactive investigations in relation to Planning, Highway and Waste related matters.

### Recommendations

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

Within the date range commencing 28.07.21 and ending 25.08.21 the enforcement team has received **125** new service requests. Officer are currently being redeployed at present to enforce Covid legislation.

Type of complaint	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
<b>PLANNING</b>	55	18	32	0
<b>HIGHWAYS</b>	10	10	28	0
<b>WASTE</b>	43	17	27	46
<b>TOTALS</b>	125	45	87	46

### COURT HEARINGS

The Enforcement Team attended no Court Hearings





**REPORT TO PLANNING AND  
DEVELOPMENT COMMITTEE**  
**8th September 2021**

**TITLE OF REPORT:** Enforcement Action

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

---

**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	Current Status
1.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlaton and High Spen	Change of use from agricultural to mixed use for keeping of horses, breaking, dismantling of vehicles, storage and burning of waste and the storage of caravans and vehicle bodies.	25 March 2013	25 March 2013	29 April 2013	29 June 2013	Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315 During investigation it was established that the land was being used for a range of inappropriate uses. Despite attempts to negotiate with the landowner to reach a satisfactory conclusion no sustained improvement was secured. Therefore, an enforcement notice has been issued requiring the removal of the inappropriate material from the site together with the cessation of the unauthorised use. No appeal has been received and the notice has taken effect.
2.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlaton and High Spen	Erection of a breeze block building	25 March 2013	25 March 2013	29 April 2013	29 June 2013	Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315 During investigations, it was established that a building had been erected without consent.  The building is considered to be unacceptable and therefore the council have issued an enforcement notice requiring the removal of the unauthorised building No appeal has been received and the notice has taken effect.  The new owner of the site has been contacted and works are well underway to tidy the site with the demolition of the breeze block structure taking place in the near future  A site visit has been arranged for the week commencing the 29 <sup>th</sup> October to look at the costs of carrying out work in default.
3.	Land at Woodhouse Lane, Swalwell (Known as South West Farm Site One)  Known as South West Farm Site Two)	Swalwell  Swalwell	Without planning permission the change of use of the land from agriculture to a mixed use for agriculture, storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair  Without planning permission the change of use of the land from agriculture and reception, composting and transfer of green waste to a mixed	11 January 2016  11 January 2016	12 January 2016  12 January 2016	15 February 2016  15 February 2016	14 March and 4 July 2016  14 March and 4 July 2016	Notices were issued in September 2015 in respect of an unauthorised scrap being stored. Due to the scale of the breach of planning control an additional Notice was required in relation to the potential Environmental Impact of the Development.  As such the original Notices (which were all being appealed) were withdrawn and further Notices have now been issued including those in respect of the requirement to carry out an Environmental Impact Assessment and provide an Environmental Statement with an subsequent appeals.  The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap.  Both defendants pleaded guilty at New castle Crown Court and both received a fine of £750. Each defendant was ordered to pay costs of £422.50 and a victim surcharge of £75. The site has to be cleared in 6 months.  The site has recently been revisited and it is likely further action will be required.

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	Current Status
	(Known as South West Farm Site Three)	Swalwell	use for agriculture and the storage of vehicles, agricultural equipment and parts, repair and restoration of vehicles and machinery and the reception, composting and transfer of green waste.  Without planning permission the change of use of the land from agriculture to a mixed use for agriculture and the storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair	11 January 2016	12 January 2016	15 February 2016	14 March and 4 July 2016  29 <sup>th</sup> Sep 2018	<p>A site visit was undertaken in October where it was evident that the land has not been cleared and additional scrap had been brought on to the site. A further prosecution file is currently with the Council's legal department.</p> <p>A court date has been issued for the 26<sup>th</sup> April 2019 at Gateshead Magistrates Court.</p> <p>The court date has been re issued for the 10<sup>th</sup> June 2019. In the interim officers are actively pursuing quotes to clear the land, to ascertain whether this is financially viable.</p> <p>The Court date has been adjourned until 24<sup>th</sup> June at 10am, discussions are to take place with the landowner prior to the court date to progress with the clearance of the land.</p> <p>A site visit was undertaken on the 29<sup>th</sup> June, two of the areas of land have been significantly cleared, efforts are being made by the owners to clear the third piece of land prior to the court date.</p> <p>The trial date has been arranged for the 24<sup>th</sup> September 2019</p> <p>On the 20<sup>th</sup> January Mr J Tate and Mr M Tate pleaded guilty to failing to comply with the enforcement notices. The Magistrates fined both Tate's £500.00 each with cost of £300.00 each and a victim surcharge of £50.00 each. A total of £850.00 each.</p>
4.	Blaydon Quarry , Lead Road, Gateshead	Craw crook and Greenside	Breach of Planning Conditions	27 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	28 <sup>th</sup> April 2018	<p>Complaints have been received that the site has been open outside the approved hours, following further investigation this has been confirmed, therefore a notice has been served in relation to breach of condition 51 to ensure no HGV'S enter or leave the site before 06.30 or after 18.00 hours on Monday to Friday nor after 13.00 hours on Saturdays and no times on Sunday and Bank and Public holidays.</p> <p>A site visit was undertaken on the 20<sup>th</sup> June in conjunction with the Environment Agency, to monitor the hours of operation. At the time of the visit no tipping was taking place, however activity on site will continue to be monitored.</p>
5.	Blaydon Quarry Lead Road, Gateshead	Craw crook and Greenside	Breach of Planning Conditions	22 <sup>nd</sup> May 2019	24 <sup>th</sup> May 2019	28 <sup>th</sup> June 2019	28 <sup>th</sup> 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 4<sup>th</sup> June, 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>

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	Current Status
								An appeal has been submitted in relation to the enforcement notice.
6.	Blaydon Quarry Lead Road, Gateshead	Craw crook and Greenside	Breach of Planning Conditions	22 <sup>nd</sup> May 2019	24 <sup>th</sup> May 2019	28 <sup>th</sup> June 2019	28 <sup>th</sup> 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>
7.	81 Dunston Road, Gateshead NE11 9EH	Dunston and Teams	Untidy Land	25 <sup>th</sup> July 2019	25 <sup>th</sup> July 2019	22 <sup>nd</sup> August 2019	03 <sup>rd</sup> October 2019	<p>Complaints have been received regarding the condition of the property which is considered to have a detrimental impact on the visual amenity of the area. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the hedge be cut, all boarding removed from windows and the windows and frames made good. It also required that all the guttering and down pipes be re attached to the building.</p> <p>Estimates have been received for the council to do the works in default if the Notice is not complied with by the 1<sup>st</sup> May.</p> <p>Given the current Covid19 situation, the works in default have been delayed and an extension given to the homeowner.</p>
8.	High Spen Excelsior Social Club Ramsay Street Rowlands Gill NE39 2EL	Winlaton and High Spen	Untidy Land	10 <sup>th</sup> February 2020	10 <sup>th</sup> February 2020	13 <sup>th</sup> March 2020	13 <sup>th</sup> April 2020	<p>Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished and all rubbish and debris removed from the site.</p> <p>The notice has been withdrawn. Officers are currently working with the owners to compile a schedule of repairs and dates for completion.</p>
9.	Dynamix Albany Road Gateshead	Bridges	Unauthorised change of use	13 <sup>th</sup> October 2020	13 <sup>th</sup> October 2020	17 <sup>th</sup> November 2020	18 <sup>th</sup> May 2021	<p>Complaints have been received regarding the change of use from a vacant warehouse to a mixed use comprising skate park, residential planning unit and storage of building and scrap materials therefore, an Enforcement Notice has been issued requiring the unauthorised use of the land to cease and all materials and vehicles be removed from the land</p> <p>The occupier of the site has appealed the notice to the planning inspectorate</p> <p>The Appeal has been determined and the Notice has been upheld.</p>

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	Current Status
10.	Former Co-op Kibblesworth, Gateshead NE11 0XL (Land at the north side of Front Street, Kibblesworth)	Lamesley	Untidy Land	3 <sup>rd</sup> February 2021	3 <sup>rd</sup> February 2021	8 <sup>th</sup> March 2021	31 <sup>st</sup> May 2021	<p>Complaints have been received regarding the condition of the land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the demolition of the building and all waste removed from the land. The land is then to be levelled and graded.</p> <p>The owner of the site has instructed a planning agent to deal with the notice on their behalf.</p> <p>The notice has been withdrawn, officers are currently working with the owners and agent towards a mutual outcome.</p>



## REPORT TO PLANNING AND DEVELOPMENT COMMITTEE 8 September 2021

**TITLE OF REPORT:** Planning Appeals

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

---

### **Purpose of the Report**

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

### **New Appeals**

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

DC/21/00131/ADV - 207-209 Old Durham Road, Gateshead  
Replacement of existing, single sided 48 sheet advert panel to double sided digital billboard display  
This was a delegated decision refused on 7 April 2021

### **Appeal Decisions**

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

DC/20/00660/FUL - 3 Hillcroft South, Station Road, Low Fell, Gateshead  
Erection of detached dwelling (amended plans and additional information received 25.09.2020, 28.09.2020, 30.10.2020, 23.11.2020 and 16.12.2020).  
This was a committee decision refused on 5 February 2021  
Appeal dismissed 9 August 2021

DC/21/00085/ADV - 592 Durham Road, Gateshead  
Conversion of existing internally illuminated advertisement poster to an illuminated digital advertising display.  
This was a delegated decision refused on 24 March 2021  
Appeal dismissed 12 August 2021

### **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**

**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/20/00093/COU	Blaydon Butchers 15 Clavering Road Blaydon NE21 5HH	Change of use from cafe (Use Class A3) to a mixed use of cafe and hot food takeaway (mixed uses A3/A5)	Written	Appeal in Progress
DC/20/00660/FUL	<b>3 Hillcroft South Station Road Low Fell Gateshead</b>	<b>Erection of detached dwelling (amended plans and additional information received 25.09.2020, 28.09.2020, 30.10.2020, 23.11.2020 and 16.12.2020).</b>	Written	<b>Appeal dismissed</b>
DC/20/00898/ADV	Dutton Court Chainbridge Road Blaydon On Tyne	Upgrade of 2 no. existing 48 sheet adverts with "D-Posters" to display digital and illuminated advertisements.	Written	Appeal in Progress
DC/21/00085/ADV	<b>592 Durham Road Gateshead</b>	<b>Conversion of existing internally illuminated advertisement poster to an illuminated digital advertising display.</b>	Written	<b>Appeal dismissed</b>
DC/21/00122/ADV	Site Adjacent Unit 1, Blaydon Industrial Park, Chainbridge Road, Blaydon On Tyne	Replacement of two freestanding 48 sheet backlight panels and display of two digital 48 sheet LED screens on a monopole.	Written	Appeal in Progress
DC/21/00131/ADV	<b>207-209 Old Durham Road, Gateshead</b>	<b>Replacement of existing, single sided 48 sheet advert panel to double sided digital billboard display</b>	Written	<b>Appeal in Progress</b>
DC/21/00373/FUL	Sandygate Cottage St Cuthberts Road	Proposed demolition of existing single storey garage, erection of	Written	Appeal in Progress

	Marley Hill Whickham	replacement garage and associated engineering operations.		
DC/21/00457/HHA	28 Whitehill Leam Lane Estate Felling	Proposed boundary fence	<i>Written</i>	<i>Appeal in Progress</i>



---

## Appeal Decision

Site visit made on 21 July 2021

by **S Hunt BA (Hons) MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 9 August 2021

---

**Appeal Ref: APP/H4505/W/21/3270166**

**3 Hillcroft South, Station Road, Low Fell, Gateshead NE9 6HD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Eva Szewczyk against the decision of Gateshead Council.
  - The application Ref DC/20/00660/FUL, dated 27 July 2020, was refused by notice dated 5 February 2021.
  - The development proposed is Detached contemporary residential dwelling.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. No response was received from the parties following my request for comments, however I have referred to the relevant paragraphs from the revised Framework where necessary in my decision.

### Main Issues

3. The main issues are:
  - The effects of the proposed development on the character and appearance of Saltwell Conservation Area with particular reference to subdivision of grounds and loss of trees; and
  - The effects of the proposed development on the living conditions of the occupiers of neighbouring properties.

### Reasons

#### *Character and Appearance of the Conservation Area*

4. The appeal site lies within the Saltwell Conservation Area (CA). I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
5. Saltwell CA gains its significance from its large nineteenth century villas which were historically set in spacious landscaped grounds. The appeal site is situated towards the southern edge of the CA, which marks the limit of the Victorian/Edwardian development in the area. A variety of infilling has taken place within the CA in the grounds of the large houses. This includes the pairs

- of semi-detached villas at Hillcroft North and South and Westfield Lodge which are situated to both sides of the appeal site. Both pairs of villas have since been altered and converted into apartments. The historic maps contained at appendix 2 of the Council's evidence indicate that they were both set in extensive grounds, sloping down towards Breckenbeds Road. It is clear from the historic maps that the appeal site was part of the grounds of Hillcroft North and South and remained so for a significant period of time.
6. The appeal site is of verdant appearance containing a number of mature trees and overgrown vegetation. It does not have any specific current use. I noted on my site visit that there is no physical separation from Hillcroft South (such as walls or fencing), and it is accessible via a narrow path from the shared parking area. There are a range of windows within the side elevation of Hillcroft South, including glass doors, which directly face onto the appeal site. The visual association between Hillcroft South and the appeal site is a strong one, which coupled with its clear historic association shown on the historic maps, suggests to me the appeal site, whilst not currently a useable 'garden', could be defined as 'grounds' of the building. This is notwithstanding the current severance of ownership.
  7. This historic and visual association with Hillcroft South, and the spacing the appeal site offers between the pairs of villas (together with the adjacent grounds of Glenside Court), make a positive contribution to both the character and appearance of the Saltwell CA. This is notwithstanding its lack of public views and access.
  8. The principal elevations of the two pairs of villas face west, towards Breckenbeds Road, and it is evident that their grounds originally extended downhill towards the narrow lane. The historic maps suggest housebuilding took place within their grounds from the mid-20<sup>th</sup> Century. Most recently, and in close proximity to the appeal site, 104 Saltwell Road/ 42 Station Road was granted planning permission in March 1990, prior to the designation of the CA in July 1990.
  9. Consequently, there has already been alteration to and separation of the original grounds and the setting of both pairs of villas has been irrevocably altered. Nonetheless, the boundary of the CA responds to this historic development, wrapping around the remaining areas of open space between the villas and excluding the mid-20<sup>th</sup> Century residential development to the rear.
  10. The character statement for Saltwell CA (IPA17<sup>1</sup>) includes a character description for the Saltwell Road area, and specifically notes that '*There has been more recent development in the gardens of houses which has reached a critical stage if the character of the area is to survive*'. The development policy guidelines in IPA17 indicate a general presumption against change involving the further sub-division of gardens and grounds, which would contribute to an increased density in the CA.
  11. Part 3 of Policy MSCP25 of the recently adopted Making Spaces for Growing Places (MSGP) Local Plan Document: Site Allocations and Development Management Policies (February 2021) specifically refers to development which results in the sub-division of gardens and grounds within CAs. Development is permitted in a number of instances, including where a) there is historic

---

<sup>1</sup> Interim Policy Advice note 17: Conservation Area Character Statements, Strategies and Policy Guidelines

evidence to demonstrate that the garden or ground was previously sub-divided into physically separate plots.

12. As I have noted, the appeal site is not physically separate from Hillcroft South and its association with the villas is a strong one, both visually and historically. The appellant indicates an imprecise time period in which the land was legally separated off, and suggests it has not been in use as gardens for some time. However this is not backed up by any persuasive evidence including any lawful use. The separation of ownership and lack of usage as a garden has little bearing on my findings. As such, the submitted High Court judgement<sup>2</sup> bears very little relevance to my conclusions.
13. The presence of more modern development at 104 Saltwell Road South/ 42 Station Road, approved prior to designation of the CA, does not provide convincing justification or precedent for building in the grounds of the villas. The historic maps indicate that there were buildings previously located at the site of the modern building, and not landscaped gardens.
14. The site contains a number of tall mature trees, of which the canopies are visible from numerous public viewpoints. Trees strongly contribute to the significance of the CA as a whole, and IPA17 specifies a general presumption against their loss. The lack of mention of trees in the IPA17 character description for the specific Saltwell Road South area does not diminish the contribution of trees to its significance.
15. There are conflicting statements within the evidence about the number of trees to be removed to facilitate the proposed development, some of which lie outside of the appeal site. Even if it were possible to retain some of the trees (and construction techniques agreed by condition), the proximity of them to the proposed dwelling is such that further tree felling is highly likely. The gradient of the site and its surroundings are such that excavation would be required to level the site. Furthermore, the main living areas of the proposed dwelling would face the large trees immediately beyond the site boundary near the substation. Other windows are mainly small in size and/ or opaque glazed and this elevation would form the principal view for the future residents. Pressure to remove the trees in the future would therefore be considerable.
16. I acknowledge the Council's Arboricultural Officer's comments that no single tree has particularly high value, and that some of the trees are in poor condition and would probably need to be removed regardless. However the Officer also sets out concerns that there would be extreme pressure on neighbouring trees for future removal, and that there are no realistic viable opportunities to retain trees on the site nor to provide replacement planting.
17. MSGP Policy 36 permits loss of trees where it can be clearly demonstrated that harm can be reduced to acceptable levels through the implementation of positive mitigation and enhancement measures either on site or elsewhere. It is proposed to plant two new trees within the site. Whilst this may be physically possible, there would be very little space available that is not occupied by the dwelling or hardstanding for cars, therefore such trees would be likely to be of a type and size which would make a very limited contribution to the character and appearance of the CA. Whilst the green roof has some merit, the highly

---

<sup>2</sup> Hampshire County Council v SoS, Blackbushe Airport Ltd, the Open Spaces Society, Mr Peter Tipton, Mr David Simpson & Adrian Collett [2020] EWHC 959 (Admin)

restricted amount of garden space available for new planting would not satisfy part 3 of Policy MSGP 36. Furthermore, whilst I note that the appellant has offered to contribute to off-site tree planting/habitat creation elsewhere in the area, no Section 106 Agreement or other mechanism has been put to me to secure such provision.

18. The Council has stated that it does not find the contemporary design of the proposed dwelling objectionable and I find no reason to disagree with this. Rather, it is the erosion of space between historic buildings, loss of trees (and lack of viable mitigating landscape scheme), layout and density of the development which results in harm to both the character and appearance of the area. This highly constrained development would erode one of the few remaining parts of the original grounds of the villas. Together with the highly likely removal of the majority of the trees within and around the appeal site, the proposed development would result in unacceptable harm to both the character and appearance of the CA. Such harm would be less than substantial, given the limited public views of the site. I consider public benefits in accordance with paragraph 202 of the Framework later in this decision.
19. Accordingly, the proposed development fails to fully meet the design quality criteria of Policy MSGP 24, together with Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2015 (CS) which requires development to (amongst other criteria) respond positively to local distinctiveness and character, respect and enhance the setting of heritage assets and respond to local conservation guidance. It would neither preserve or enhance the character or appearance of the Blackburn Park CA as a whole and is in clear conflict with MSGP Policy 25. In particular: (1c) its lack of conservation and enhancement of spaces between and around buildings, (2) its harm to the significance of a heritage asset and (3) harmful sub-division of grounds. It also fails to comply with MSGP Policy 36 in terms of tree loss as previously set out.
20. Furthermore, I am mindful of the revision to the NPPF at paragraph 131 which sets out the important contribution trees make to the character and quality of urban environments and in helping to mitigate and adapt to climate change, stating that existing trees should be retained where possible.

#### *Living Conditions*

21. I have already found that the proposed development would result in harm to its surroundings by virtue of the erosion of an area of open space between buildings and loss of trees. This has consequent effects for the neighbouring properties which bound the site.
22. The evidence indicates that the majority of the windows to the side of Hillcroft South serve habitable rooms. There is also a set of glass French doors which would open directly out onto the vehicular access and parking area. The windows currently enable views over mature trees and vegetation, towards the similar pair of villas at Westfield Lodge. I acknowledge the appellant's evidence that the residents have no legal access to the site as a garden and that the trees currently provide a degree of shadowing and enclosure. I also note that efforts have been made to reduce overlooking by the use of opaque glass and siting of non-habitable rooms to this particular elevation. The building would also be relatively low in height compared to Hillcroft South. Nonetheless, the appeal site forms an important part of the neighbours' outlook and the close

- proximity of the proposed dwelling to their windows (less than 10 metres), would result in an unacceptable dominance and overbearing effects and harm to their living conditions.
23. Furthermore, two parking spaces and an area of hardstanding turning space would be situated directly next to the ground floor windows of Hillcroft South. The erection of fencing could be secured by condition and might assist in reducing the visual effects and any effects from headlights and exhausts. However, any such boundary feature would need to be located in very close proximity to the ground floor windows of Hillcroft South having visual and overshadowing effects in itself.
  24. 104 Saltwell Road / 42 Station Road has a number of windows serving habitable rooms which look directly over the appeal site, including box bay windows. It has limited areas of garden space including a small raised area which forms the boundary of the appeal site. There are a number of trees on its boundary which are included in the AIA.
  25. The effects on this property would be similar to those outlined above for Hillcroft South, however in this case the proposed dwelling would be situated even closer; less than 5 metres from its windows, and around 1 metre from its garden boundary. The lower level of the proposed dwelling in relation to the existing building would assist in reducing overshadowing to a degree, nonetheless the oppressive effects on their outlook and outdoor garden space would be significant.
  26. A range of side windows at Westfield Lodge villas directly face the windows serving three bedrooms and an office to the proposed dwelling. Whilst the villas are separated by the grounds of Glenside Court, the removal of trees would considerably open up views of the proposed development. Whilst I acknowledge that overbearing effects would be minimal, there is still potential for overlooking between Westfield Lodge and the new dwelling. As for Glenside Court, their windows would not be directly affected, however their communal garden space would be overlooked to an unacceptable degree.
  27. The Council's SPD 'Household Alterations and Extensions' sets out recommended separation distances between windows. I acknowledge that it is a guidance document only and is aimed at existing dwellings that are being altered and extended. Nonetheless, the separation distances referred to are reasonable and commonly used in a range of proposals to assist in the preservation of neighbouring living conditions. The proposed development would be in conflict with such guidance.
  28. Overall, the proposed development would result in unacceptable harm to the living conditions of the three aforementioned properties (which each contain more than one dwelling unit). This is exacerbated by the lack of space around the proposed dwelling and felling of trees which currently provide a degree of screening. It fails to comply with Policy CS14 of the CS which seeks to prevent negative impacts on residential amenity (amongst other matters), and Policy MSGP 17 which supports development where it would not have an unacceptable impact on amenity or character of an area, would not cause unacceptable disturbance, would safeguard the enjoyment of light, outlook and privacy and ensure a high quality of design and amenity. In turn there would also be conflict with paragraph 130 f) of the Framework which seeks to create places with a high standard of amenity for existing and future users.



## **Other Matters**

29. The Council's statement indicates that they are currently unable to demonstrate a five year supply of deliverable housing sites. No further evidence has been provided on this matter, however I have already found that the proposed development results in harm to a designated heritage asset and this provides a clear reason for refusing the development proposed. Therefore the 'tilted balance' is not engaged by virtue of footnote 7 to paragraph 11(d) of the Framework, and I make no further deliberations on this matter.
30. I am satisfied that the appeal site is situated in an accessible location in an urban area, and local services can be reached by modes other than the private car. The private access to Station Road would be shared with a number of properties and the drawings indicate that an average-sized car would be able to turn within the site. Nonetheless, this is at the expense of garden space for the proposed dwelling. The provision of an electric car charging point would not satisfy my concerns regarding the effects of the car parking and turning area on the living conditions of Hillcroft South, and the use of electric vehicles only is unlikely to meet the requisite tests set out in paragraph 57 of the Framework. Such matters have very limited bearing on my decision given the harm I have already outlined.
31. Acceptable ecological surveys have been carried out, including for bats, and I consider that appropriately worded conditions can require any necessary updated surveys and on-site mitigation. However there is limited space within the site and no mechanism has been put to me to secure any off-site mitigation or contribution. This adds to my overall concerns regarding the erosion of historic grounds and loss of trees and vegetation.
32. I have had regard to other matters raised by neighbours, including, but not limited to, a number of non-planning matters. As I am dismissing the appeal on the main issues for the reasons given above, I have not addressed these matters further.

## **Heritage Balance**

33. I find the degree of harm to the significance of the designated heritage asset to be less than substantial. Paragraph 202 of the Framework requires this harm to be weighed against the public benefits of the proposal. The proposal would result in the addition of a family-sized dwelling to the overall housing stock in the area. There would also be some economic benefits arising from its construction and increased local spending. Whilst I acknowledge that small sites can make an important contribution to local housing supply there are no public benefits which would outweigh the unacceptable harm to both the character and appearance of the CA that I have identified.

## **Conclusion**

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

*Susan Hunt*

INSPECTOR





---

## Appeal Decision

Site visit made on 29 June 2021 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv Assoc RTPI

### Decision by S. Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

**Decision date: 12 August 2021**

---

### Appeal Ref: APP H4505/Z/21/3275255 592 Durham Road, Gateshead NE9 6HX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
  - The appeal is made by Wildstone Estates Limited against the decision of Gateshead Council.
  - The application Ref DC/21/00085/ADV, dated 21 January 2021, was refused by notice dated 24 March 2021.
  - The development proposed is upgrade of existing 48 sheet advert to support digital poster.
- 

### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issue

3. The effect of the advertisement on the visual amenity of the area.

### Reasons for the Recommendation

4. The appeal site is located within the Core Area of the Low Fell Conservation Area which includes a mix of shops, pubs and other commercial uses which are concentrated at the northern end of Durham Road, and other uses, such as housing, churches and garages at the south end. Buildings are of different ages and styles and accordingly, the townscape varies greatly along the length of Durham Road.
5. No 592 is a locally listed building, the significance of which is derived from its age and architectural detailing, which include a decorative pediment balustrade to the front elevation and Dutch gable ends. The building, which is highly prominent in the street scene because of its stature and the set-back and height of the building adjacent to it, makes a positive contribution to the street scene and to the character and appearance of the conservation area.

6. Despite the existence of commercial uses in the area, large digital illuminated advertisements are not a prevalent feature. Advertisements are generally confined to shopfronts and are mostly non-illuminated and reasonably modest in design although I note there is one other billboard in the locality. In that context, the existing internally illuminated 48-sheet advertisement, positioned on that gable end of the appeal building, is a substantial feature on the appeal property and in the street scene. Given its size and position at first floor level it is highly prominent in the street scene. Moreover, as a result of its dominance on the gable end of the building, it detracts from the appearance of the building and its significance as a non-designated heritage asset, as well as from the character and appearance of the conservation area.
7. The proposed hoarding would be the same size and would be sited in the same position as the existing hoarding which I understand was granted advertisement consent on 29th June 1995<sup>1</sup> prior to the designation of the Low Fell Conservation Area. However, the digital advertisement display, which would change every 10 seconds, would be sharper and crisper than the existing internally illuminated poster hoarding, and would thereby be more eye catching. As such the advertisement would be even more prominent, and thereby have a greater impact on the street scene, than the existing display.
8. As such, the proposed advertisement would detract from the street's quality, standing out in long uninterrupted views on approach along Durham Road from the south and would dominate and thereby detract from the architectural features of the building. Accordingly, taking into account the presence of the existing hoarding, the proposed replacement would be visually harmful to the locality thus causing harm to the character and appearance of the conservation area and the significance of the building as a non-designated heritage asset.
9. I acknowledge that the area may be well lit, and the intensity of the panel's illumination would accord with guidelines for illumination of advertisements<sup>2</sup>. I also acknowledge that night-time illumination would be reduced to less than 300cd/m<sup>2</sup> and the signage would contain internal sensors which allow the screen to adapt to real time ambient conditions. However, even accounting for those matters, the digital illuminated sequential display would be a discordant and unduly prominent feature for the reasons set out above.
10. Paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Framework paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
11. The harm caused to the heritage assets in this case would be less than substantial, given that the proposal would only affect part of the conservation

---

<sup>1</sup> Ref. 417/95

<sup>2</sup> PLG 05: The Brightness of Illuminated Advertisements (Institute of Lighting Professionals 2015)

area and would not result in a total loss of significance of the building. Nevertheless, taking account of the statutory duty to have special regard to enhancing or preserving the character and appearance of a conservation area, great importance and weight must be attached to the harm identified.

12. The appellant considers that the proposal would have environmental and other benefits since it would not require regular visits by service personnel to change its content and the LED lighting is significantly more energy efficient than the existing display. I also note that it is proposed to reduce the overall number of advertisements and thereby reduce clutter although there is no mechanism before me to guarantee this would be achieved. Similarly, I note that the billboard could be used for non-commercial purposes although there is no evidence before me of the frequency with which this is likely to occur. I acknowledge that the existing hoarding has been in situ for some time and may therefore be in need of updating. However, I am unconvinced that this could not be achieved by a more sympathetic form of development.
13. Even considered cumulatively, the benefits of the proposal would be limited and attract only limited weight on the positive side of the balance. Accordingly, the benefits do not outweigh the harm identified.

#### **Conclusion and Recommendation**

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

*Ifeanyi Chukwujekwu*

APPEALS PLANNING OFFICER

#### **Inspector's Decision**

15. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be dismissed.

*S. Ashworth*

INSPECTOR

This page is intentionally left blank



REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

8 September 2021

**TITLE OF REPORT: Planning Obligations**

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

**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. Since the last Committee there have been **no** new payments received in respect of planning obligations.
5. 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 8 September 2021.

**Recommendations**

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

Contact: Emma Lucas Ext: 3747

**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