



## *PLANNING AND DEVELOPMENT COMMITTEE AGENDA*

**Wednesday, 1 December 2021 at 6.00 pm in the Council Chamber**

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From the Chief Executive, Sheena Ramsey

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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 on 3 November 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 - 8)  Report of the Service Director, Development, Transport and Public Protection
4i	<b>No. 1 - Site of Old Carr Hill Clinic, Carr Hill Road, Gateshead (Pages 9 - 22)</b>
4ii	<b>No. 2 - Laburnum Cottage, Barmoor Lane, Ryton Central, Ryton NE40 3AA (Pages 23 - 30)</b>
4iii	<b>No. 3 - Land at Gateshead International Stadium, Neilson Road, Gateshead NE10 0EF (Pages 31 - 38)</b>
4iv	<b>No. 4 - Baltic Business Quarter, Albany Road, Gateshead NE8 3BP (Pages 39 - 48)</b>
<b>6</b>	<b>Funding Infrastructure Statement</b> (Pages 49 - 66)  Report of the Service Director, Development, Transport and Public Protection
<b>7</b>	<b>Enforcement Team Activity</b> (Pages 67 - 68)  Report of the Service Director, Development, Transport and Public Protection
<b>8</b>	<b>Enforcement Action</b> (Pages 69 - 74)

Report of the Service Director, Development, Transport and Public Protection

**9**      **Planning Appeals** (Pages 75 - 86)

Report of the Service Director, Development, Transport and Public Protection

**10**     **Planning Obligations** (Pages 87 - 88)

Report of the Service Director, Development, Transport and Public Protection

Contact: Helen Conway - Email: [HelenConway@gateshead.gov.uk](mailto:HelenConway@gateshead.gov.uk), Tel: 0191 433 3993,  
Date: Tuesday, 23 November 2021



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

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

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### **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

<b>Application Number</b>	<b>Site Location</b>	<b>Ward</b>
1. DC/20/01075/FUL	Site Of Old Carr Hill Clinic Carr Hill Road	Deckham
2. DC/21/00837/HHA	Laburnum Cottage Barmoor Lane	Ryton Crookhill And Stella
3. DC/21/01117/FUL	Land At Gateshead International Stadium Neilson Road	Felling
4. DC/21/01206/FUL	Baltic Business Quarter Albany Road	Bridges

## **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 on the Councils website or by appointment at the Civic Centre, Regent Street, Gateshead NE8 1HH.

## Generalised Guide to Use Classes Order 1987 (as amended September 2020)

<b>C1 Hotels</b>	Hotels, boarding and guest houses where no significant element of care is provided	<b>Class E - Commercial, Business and Service</b>	E(a) Display or retail sale of goods, other than hot food E(b) Sale of food and drink for consumption (mostly) on the premises E(c) Provision of: (c)(i) Financial services, (c)(ii) Professional services (other than health or medical services), or (c)(iii) Other appropriate services in a commercial, business or service locality E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink.) E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner) E(f) Creche, day nursery or day centre (not including a residential use) E(g) Uses which can be carried out in a residential area without detriment to its amenity: (g)(i) Offices to carry out any operational or administrative functions. (g)(ii) Research and development of products or processes (g)(iii) Industrial processes
<b>C2 Residential Institutions</b>	Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres  • <b>C2(a) Secure residential Institutions</b> - Use for a provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks		
<b>C3 Dwellings</b>	• <b>C3(a)</b> covers use by a single person or a family, an employer and certain domestic employees, a carer and the person receiving the care and a foster parent and foster child • <b>C3(b)</b> covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems • <b>C3(c)</b> allows for groups of people (up to six) living together as a single household.	<b>F1 Learning and non-residential institutions</b>  <b>F2 Local community</b>	• <b>F1(a)</b> Provision of education • <b>F1(b)</b> Display of works of art (otherwise than for sale or hire) • <b>F1(c)</b> Museums • <b>F1(d)</b> Public libraries or public reading rooms • <b>F1(e)</b> Public halls or exhibition halls • <b>F1(f)</b> Public worship or religious instruction (or in connection with such use) • <b>F1(g)</b> Law courts  • <b>F2(a)</b> Shops (mostly) selling essential goods, including food, where the shop's premises do not exceed 280 square metres and there is no other such facility within 1000 metres • <b>F2(b)</b> Halls or meeting places for the principal use of the local community • <b>F2(c)</b> Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms) • <b>F2(d)</b> Indoor or outdoor swimming pools or skating rinks
<b>C4 Houses in Multiple Occupation</b>	Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.	<b>Sui generis – no class will always require permission</b>	Any use not included within any of the above use classes, such as theatres, nightclubs, taxi businesses, motor vehicle sales, betting shops Hot Food Take Away shops, Public Houses and drinking establishments with expanded food provision.
<b>B2 General Industry</b>	General industry not within class E(g).		
<b>B8 Storage and Distribution</b>	Wholesale warehouses repositories, including open air storage		

In many cases involving similar types of use, a change of use of a building or land does not need planning permission. Planning permission is not needed when both the present and proposed uses fall within the same 'class', or if the Town and Country Planning (Use Classes) Order 1987 says that a change of class is permitted to another specified class.

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**Committee Report**

<b>Application No:</b>	<b>DC/20/01075/FUL</b>
<b>Case Officer</b>	<b>Amy Dunbar</b>
<b>Date Application Valid</b>	<b>20 January 2021</b>
<b>Applicant</b>	<b>Mr Ricki Hutchinson</b>
<b>Site:</b>	<b>Site of Old Carr Hill Clinic Carr Hill Road Gateshead</b>
<b>Ward:</b>	<b>Deckham</b>
<b>Proposal:</b>	<b>Proposed construction of four, two-bedroom residential dwellings (description and plans amended 29.06.2021, plans amended 01.10.2021, 15.10.2021 and 28.10.2021).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF SITE**

The application site is a rectangular parcel of land formerly occupied by Carr Hill Clinic which has since been demolished.

1.2 The site is a corner plot located immediately adjacent to the road junction leading from Carr Hill Road to Ilford Place. The north boundary is shared with 5 Ilford Place and 72 Kingston Road and the west boundary with 85b Carr Hill Road, all of which are residential dwellings. The east and south boundaries lie adjacent to Ilford Place and Carr Hill Road, respectively, with residential dwellings beyond this.

1.3 The application site is not allocated for any particular purpose and lies in a Coal Authority Low Risk Area.

**1.4 DESCRIPTION OF APPLICATION**

The application seeks to construct four two-storey, 2-bedroom dwellings with the provision of four onsite parking spaces.

1.5 The proposed dwellings would be of a contemporary design built using red brick, grey concrete roof tiles and uPVC windows and doors.

**1.6 RELEVANT PLANNING HISTORY**

DC/17/00302/DEM prior approval required and approved for demolition of former single storey Health Centre. Dated 27<sup>th</sup> April 2017.

**2.0 Consultation Responses:**

Northumbrian Water

Informative

Tyne and Wear Archaeology Officer                      No objections

Tyne and Wear Fire and Rescue Service                      No objections

### **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.

3.2 No representations have been received.

3.3 The application has been referred to Planning and Development Committee as the applicant is related to a member of staff within the Local Planning Authority.

### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS9 Existing Communities

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP48 Waste Management Facilities - New Dev

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

- 5.1 The key considerations to be taken into account when considering this planning application are the principle of the development, visual amenity, residential amenity, highway safety and land conditions.
- 5.2 **PRINCIPLE OF DEVELOPMENT- HOUSING DEMAND AND POLICY**  
The application site is brownfield land that is not allocated for housing and can therefore be considered as a windfall housing site. The site is located within an established residential area where there are recreational and community facilities, such as a play park and a primary school, situated nearby. The site is approximately 300 metres away from Old Durham Road Local Retail Centre where a range of shops and services are provided. The site is also easily accessible by public transport and is well linked to key road networks. In housing policy terms, the site is considered to be in principle, an appropriate location for new residential development.
- 5.3 The proposal would afford four dwellings to the local housing stock and would therefore contribute towards delivering new housing within Gateshead in accordance with policy CS10 of the Local Plan for Gateshead.
- 5.4 **HOUSING CHOICE**  
Policy CS11 specifies that 60% of new private housing across the plan area should be suitable for and attractive to families with a minimum target of 16,000 new homes to have 3 or more bedrooms. Furthermore, Policy CS9 seeks to ensure that existing communities will be sustainable places of quality and choice. This should be achieved by, amongst other things, maintaining a range of housing types and sizes throughout the plan area.
- 5.5 The proposed dwellings would each have 2 bedrooms therefore would not meet the target set out in Policy CS11 however it is recognised that this is a borough wide target therefore not every new dwelling would have to comply with this standard.
- 5.6 The latest results of the Housing Delivery Test (HDT) show that the only 63% of Gateshead's Local Housing Need (LHN) is being delivered in the Borough. For this reason, it is considered that the principle of the development would be acceptable as despite not providing homes with 3 or more bedrooms, the development would have the potential to increase housing delivery across Gateshead.
- 5.7 **RESIDENTIAL SPACE STANDARDS**  
Policy CS11(4) requires that new residential development provides adequate space inside and outside of the home to meet the needs of residents.
- 5.8 Policy MSGP12 requires new residential development to, at minimum, achieve the Nationally Described Space Standards (NDSS) in order to ensure adequate space is provided inside the home and therefore ensuring new homes are of a high standard and quality. However, the supporting text to MSGP12 (paragraph 5.8) explains that the requirement to comply with the NDSS is to be introduced one year after the adoption of the MSGP (1<sup>st</sup> February 2021), to allow for a period of transition in accordance with national guidance.

- 5.9 As indicated on the proposed floor plans, the dwellings would provide two bedrooms each. The minimum gross internal floor area for a 2-bedroom, 2 storey dwelling with a minimum provision of 3 bed spaces is 70m<sup>2</sup> including 2m<sup>2</sup> of built-in storage. The floor plans demonstrate that an internal floor area of 73.6m<sup>2</sup> would be achieved including 1m<sup>2</sup> of built-in storage. The proposed dwelling would exceed the minimum space requirements for gross internal floor area and although the floor plans do not identify a further 1m<sup>2</sup> of built-in storage, it is considered this requirement would be met given that the internal floor area exceeds the minimum requirement.
- 5.10 The proposed floor plans demonstrate that bedrooms 1 and 2 would exceed the minimum width and floor area requirements necessary for accommodating a double bedroom.
- 5.11 It is considered that the proposal presents four reasonably sized homes that would provide an adequate amount of internal living space for future occupiers which would contribute towards providing a good standard of amenity and is therefore in accordance with policies CS11 and MSGP12 of the Local Plan for Gateshead.
- 5.12 In terms of housing policy, the principle of the development is acceptable subject to all other material planning considerations being satisfied.
- 5.12 IMPACT ON VISUAL AMENITY  
The NPPF requires that, amongst other things, new development is sympathetic to local character and is visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 5.13 The wider street scene consists of a range of house types built during various points in time. The most predominant house types are red brick, semi-detached properties gradually built between c.1938- 1966, some of which feature white cladding and a pebble dash finish. Other house types within the street scene include a late 19<sup>th</sup> century terrace of stone-built properties while immediately adjacent to the site lies a pair of c.1970 semi-detached properties which feature assorted hanging tiles and minimal exposed red brick.
- 5.14 The proposed development would consist of a terrace of brick-built dwellings of a uniform and modern design. In terms of layout, the dwellings would be set back from the footpath edge on Carr Hill Road by two metres to ensure suitable spacing is provided between the proposed dwellings and the road frontage. Furthermore, the development would incorporate a mix of hard and soft landscaping to provide a sufficient level of garden space as well as a car park to the east of the dwellings. Given that the surrounding street scene features a variety of house types with differing site layouts, it is considered that the proposed design and layout of the dwellings would not have a harmful impact on the character and appearance of the wider area.
- 5.15 To ensure that appropriate materials are incorporated into the built environment, a condition has been attached requiring details of all materials,

including hardstanding, to be submitted to the Local Planning Authority (Condition 3).

- 5.16 With regard to landscaping contained within the plot boundaries, the development would feature areas of grassed garden space. The addition of grassed garden space would contribute towards softening the appearance of the plot therefore a condition has been attached to ensure the soft landscaping scheme proposed on the site layout plan is implemented to protect the visual amenity of the site (condition 5).
- 5.17 With regard to soft landscaping contained outside of the plot boundaries, a condition has been attached requiring details of the proposed planting and hard landscaping (condition 6).
- 5.18 Limited details of the proposed boundary treatment have been provided therefore it is considered appropriate to condition that a fully detailed scheme for boundary treatment is submitted in order to protect the visual amenity of the site and to ensure the boundary treatment is not of a height/design that would be detrimental to the safety of pedestrians (condition 8).
- 5.19 The contemporary design of the development in terms of its layout, form and materials would ensure a good architectural design, therefore it is considered that the development would not have a harmful impact on the character and appearance of the wider street scene in accordance with policies CS15 and MSGP24 of the Local Plan for Gateshead.
- 5.20 RESIDENTIAL AMENITY  
Paragraph 130 of the NPPF requires that planning policies and decisions should ensure that development will achieve a high standard of amenity for existing and future users. This is reflected in local policy CS14 of the CSUCP which requires that the wellbeing and health of communities will be maintained and improved by preventing negative impacts on residential amenity.
- 5.21 To ensure that acceptable levels of privacy are achieved, The Council's Household Extensions and Alterations Supplementary Planning Document requires that a minimum distance of 21 metres is achieved between main facing elevations containing habitable room windows and 13 metres between such elevations and a gable elevation. Although only strictly applicable to when houses are to be extended, these dimensions can be helpful in providing a benchmark for use in new build situations too.
- 5.22 The nearest residential dwelling to the application site is 85b Carr Hill Road. The side elevation of this property, which is a blank elevation with the exception of a small non habitable room window, would be situated within 3.1 metres of the side elevation of plot 1 which would be a blank gable elevation. Given this arrangement, there would be no scope for overlooking of either property.
- 5.23 The separation distances afforded between other nearby properties and the proposed development would exceed the minimum distances set out in the Household Extensions and Alterations SPD therefore it is considered that the development would ensure both existing and future occupiers an acceptable level of light, outlook and privacy.

- 5.24 The development would ensure that the proposed dwellings are of a suitable size, incorporating a sufficient level of outdoor amenity space as well as spacing between the site and existing adjacent properties therefore it is not considered that the proposal would result in overdevelopment of the site.
- 5.25 The site is located within a residential setting therefore there is likely to be an increase in noise disturbance to nearby residents during the construction phase. Should planning permission be granted it would be necessary to condition the hours of construction (condition 10).
- 5.26 It is considered that the proposed development would provide an acceptable standard of amenity for neighbouring and proposed occupiers, having regard to light, outlook and privacy. Therefore, it is considered that the proposal is in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.
- 5.27 **TRANSPORT AND HIGHWAY SAFETY**  
The application proposes that four off-street parking spaces would be provided to serve the proposed dwellings within a small car park accessed off Ilford Place. This satisfies the minimum parking provision for new residential development.
- 5.28 With regard to the new vehicle access off Ilford Place, Highways Officers have assessed this arrangement and are of the view that a satisfactory level of visibility would be provided to drivers and pedestrians and a new vehicle access at this location would not pose a risk to the safety of pedestrians using the adjacent footpath.
- 5.29 To ensure that pedestrian and driver visibility is secured, a condition has been attached which requires that no structure or erection over 0.6 metre in height is constructed within or around the perimeter of the south east corner of the site or within the visibility splays demonstrated on the submitted site layout plan (condition 11).
- 5.30 The proposed plans demonstrate that secure bike storage would be provided at each new dwelling. In order to encourage the use of sustainable transport, a condition has been attached to ensure that this storage is implemented on site (condition 12).
- 5.31 The proposal would not have any significant additional impact on highway capacity and safety and would provide onsite car parking to the levels set out in the Council's car parking standards. Subject to compliance with conditions, the application is in accordance with policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 5.32 **LAND CONDITIONS- CONTAMINATED LAND**  
The applicant proposes a sensitive end use of the site therefore a Preliminary Risk Assessment (PRA) has been submitted and the application site has been assessed and inspected as part of the Council's Contaminated Land Strategy.

5.33 The site was formerly occupied by an NHS clinic which has now been demolished. Based on its historic use, it is likely that the site will be affected by ground contamination as a result of imported fill materials used to construct a development platform and/or from building materials.

5.34 The PRA recommends that an intrusive site investigation is carried out to identify possible contamination and areas that will require remedial works. The Local Planning Authority concur with the report findings therefore relevant conditions regarding land contamination have been attached. Subject to compliance with these conditions, the proposal is considered to be in accordance with policies CS14 and MSGP20 of the Local Plan for Gateshead.

5.35 **LAND STABILITY**

The Coal Authority has identified that the site is not situated within a 'Development High Risk Area' therefore it is not anticipated that coal mining legacy issues would pose a risk to the proposed development. If permission were to be granted, it is not considered necessary to condition that any intrusive site investigation works are carried out with regard to coal mining legacy. The proposal is in accordance with policies CS14 and MSGP20 of the Local Plan for Gateshead.

5.36 **WASTE MANAGEMENT**

It is considered that the plot is of ample size in which to store wheeled bins and the site has sufficient access to the existing road for emptying therefore the proposal is in accordance with policy MSGP48 of the Local Plan for Gateshead.

**6.0 CONCLUSION**

6.1 Taking all of the relevant issues into account, it is considered that the proposed development is acceptable and accords with the relevant national and local planning policies.

**7.0 Recommendation:**

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

1

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

2005/A/001 Revision G

2005/A/002 Revision H

2005/A/003 Revision K

DTP/3707021/ATR001 Revision E

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

Development shall not commence above damp-proof course level until details of all materials, colours and finishes to be used on all external surfaces, including areas of hardstanding, have been submitted to and subsequently approved in writing by the Local Planning Authority.

Reason

To ensure the external appearance of the development is of an appropriate design and quality in accordance with the NPPF and Policies CS15 and MSGP24 of the Local Plan for Gateshead.

4

The development hereby approved shall be implemented in accordance with the external materials specified and approved under Condition 3.

Reason

To ensure the external appearance of the development is of an appropriate design and quality in accordance with the NPPF and Policies CS15 and MSGP24 of the Local Plan for Gateshead.

5

The landscaping scheme demonstrated in plan no. 2005/A/001 Revision G shall be implemented in accordance with the approved details within the first available planting season (October to March) and shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for a period of 5 years commencing on the date of Practical Completion and during this period any grass which fails to establish shall be re-established.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in

accordance with the NPPF and Policies CS15 and MSGP24 the Local Plan for Gateshead.

6

Prior to the first occupation of the site, a fully detailed scheme for landscaping outside of the plot boundaries shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details and proposed timing of hard landscaping, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in accordance with the NPPF and Policies CS15 and MSGP24 the Local Plan for Gateshead.

7

The landscaping scheme approved under condition 6 shall be implemented in accordance with the approved details within the first available planting season (October to March) and shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for a period of 5 years commencing on the date of Practical Completion and during this period any vegetation which fails to establish shall be re-established.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in accordance with the NPPF and Policies CS15 and MSGP24 the Local Plan for Gateshead.

8

Prior to the commencement of works to install/remove boundary treatment, a fully detailed scheme for the boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, position, design, dimensions and materials of the boundary treatment.

Reason

To ensure the satisfactory appearance of the development in the interests of the visual amenity of the area and in the interests of highway safety in accordance with the NPPF and Policies CS13, CS15, MSGP15 and MSGP24 of the Local Plan for Gateshead.

9

The boundary treatment approved under condition 8 shall be implemented in accordance with the approved details.

Reason

To ensure the satisfactory appearance of the development in the interests of the visual amenity of the area and in the interests of highway safety in accordance with the NPPF and Policies CS13, CS15, MSGP15 and MSGP24 of the Local Plan for Gateshead.

10

Unless otherwise approved in writing by the Local Planning Authority, all external works and ancillary operations in connection with the construction of the development, including deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF and Policies CS14 and MSGP17 of the Local Plan for Gateshead.

11

No structure or erections exceeding 0.6 metre in height shall be constructed within or around the south east corner of the development site as well as within the visibility splays demonstrated on drawing number DTP/3707021/ATR001 Revision E.

Reason

In the interests of highways safety in accordance with Policies CS13 and MSGP15 of the Local Plan for Gateshead.

12

Prior to the first occupation of the first dwelling, secure and weatherproof cycle storage, capable of storing at least one bicycle, shall be provided on site and thereafter permanently retained.

Reason

In order to ensure adequate provision for cyclists and in compliance with Policies CS13 and MSGP15 of the Local Plan for Gateshead.

13

Prior to the commencement of the development, a Phase 2 Intrusive Investigation and Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced.

The site investigation should collect and analyse soil samples throughout made ground and natural ground strata to maximum planned excavation depths and include an assessment to test for the presence and likelihood of ground gas emissions.

The site investigation will identify potential contamination and possible areas, which may require remedial works in order to make the site suitable for its proposed end use. Reference should be made to CLR 11 - Model Procedures for the Management of Land Contamination and BS

10175:2011 - Investigation of Potentially Contaminated Sites - Code of Practice.

Reason

To ensure that risks from land contamination to the future users of the site and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework and policies CS14 and MSGP20 of the Local Plan for Gateshead.

Reason for pre-commencement condition

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would be been otherwise necessary to refuse the whole permission.

14

Unless otherwise approved in writing by the Local Planning Authority and prior to the commencement of the development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework and Policy MSGP20 of the Local Plan for Gateshead.

Reason for pre-commencement condition

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would be been otherwise necessary to refuse the whole permission.

15

Unless otherwise approved in writing by the Local Planning Authority and prior to the commencement of the development, the contaminated land remediation measures shall be implemented in complete accordance with the details approved under Condition 14.

Reason

To ensure that risks from land contamination to the future users of the site and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework and policies CS14 and MSGP20 of the Local Plan for Gateshead.

Reason for pre-commencement condition

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would be been otherwise necessary to refuse the whole permission.

16

If land contamination remediation measures are deemed necessary, following the completion of these approved remediation measures and prior to the first use of the development, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to the Local Planning Authority for written approval.

Reason

To ensure that risks from land contamination to the future users of the site and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework and policies CS14 and MSGP20 of the Local Plan for Gateshead.

17

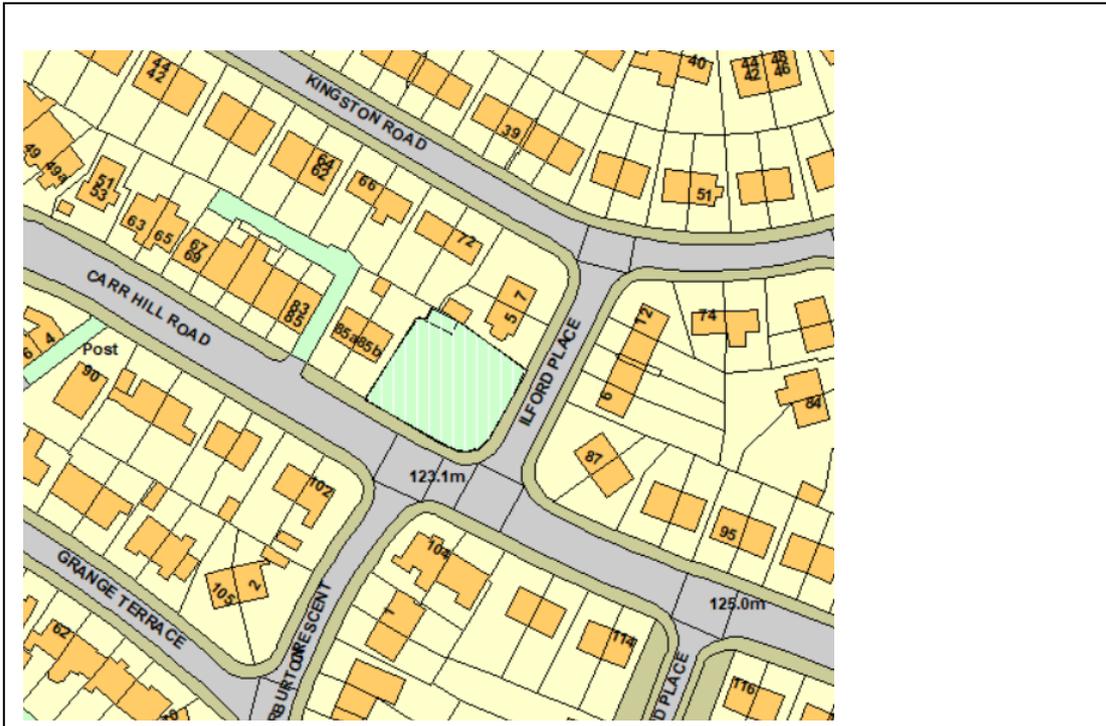
In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS14 and MSGP20 of the Local Plan for Gateshead.



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**Committee Report**

<b>Application No:</b>	<b>DC/21/00837/HHA</b>
<b>Case Officer</b>	<b>Kimberley Harwood</b>
<b>Date Application Valid</b>	<b>2 July 2021</b>
<b>Applicant</b>	<b>Mr Mark Upton</b>
<b>Site:</b>	<b>Laburnum Cottage Barmoor Lane Ryton Central Ryton NE40 3AA</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Proposal:</b>	<b>Demolition of existing detached garage and construction of new rear/side single storey extension and garage (Amended 03.11.2021)</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Householder Application</b>

**1.0 The Application:**

1.1 Site Description

The site to which the application relates is a west facing semi detached property in the ward of Ryton Crookhill and Stella. Newman Grange is located to the east of the development site and Bramble Cottage is to the west. To the front (west) of the host property are Four Leaves and Ridsdale and to the rear (east) is West House, 68 Main Road.

1.2 This property is a two-storey sandstone house with welsh slate roof. It is first shown on the 1856-95 OS map and is a largely unchanged, plain, detached dwelling with a recent somewhat obtrusive porch. The roof has stone water tables, chimneys at both gable ends, stone quoins, cills and lintels. There is a mid C20th detached garage at the far end of the garden with flat roof and large windows. The property is located inside a walled garden, enclosed by a sandstone wall approximately 1.5m high with solid timber vehicular gates. The northern side elevation of the building faces one of the main roads in the village, Barmoor Lane.

1.3 To the east and west the neighbouring properties are of similar age and design, being sandstone houses and cottages which face the road or are side-on. Opposite are range of redbrick and rendered mid-late C20th detached houses.

1.4 The property is within the Ryton Conservation Area (designated in November 1972) and the boundary was extended on 5 February 1988. A Character Statement for the Area was approved by the Council on 27 August 1997. The application property is amongst the cottages at the western edge of the conservation area. The buildings on the north side of Barmoor Lane are outside the conservation area.

1.5 Proposal Description

The proposal is for the demolition of the existing detached garage and the construction of a new rear/side single storey extension and garage. Following comments from the Conservation Officer, the scheme has been amended in the following way:

- 1.6 The extension now does not project north across the principal elevation and in the revised drawing shows the extension set further back to the south, connected with a glazed link, creating the illusion that it is separate from the main property which remains the focal point.
- 1.7 There is now a rendered finish to the extension which presents a more lightweight, contemporary appearance and creates a subservient and separate appearance to the extension, clearly showing the new from the old and unharmed the original Georgian property, we will condition the application so the render is of neutral tones. The sash windows will now match the original property. A reduction has been made to the footprint of the extension, with the garage size suiting the plot size and reflecting the 4.8m width of the southern gable extension from the rear. The roof pitched of the garage at 28 degrees will now be the same as the main house, existing northern extension and matches the proposed extension/garage to the southern gable end, keeping the theme running throughout and creating a symmetrical appearance. There is also distinctive boundary hedging and fencing now surrounding the property to minimise any potential loss of privacy.
- 1.8 All materials used would be conditioned to match the existing property and the surrounding conservation area - including the render colouring/proposed use of matching stone, garage timber doors, sash patterns resembling the northern extension windows.

## **2.0 Consultation Responses:**

No external consultations undertaken.

## **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.
- 3.2 There have been two objections received from neighbouring occupiers stating concerns over:
  - Loss of privacy - If this application is approved it will destroy our garden privacy and open up our garden to be observed by Laburnum Cottage residents and surrounding neighbours.
  - Loss of trees

- Out of character with conservation area - We live in a conservation area and need to protect our traditional properties so they exist in the future taking care to only sympathetically restore and update.
- Out of character with streetscene - building will not match the original, We believe the proposed plans to extend will destroy the current character and charm of the current well proportioned home by creating a disproportionately large downstairs in comparison to the relatively small first floor.
- Overbearing - The extension will also bring the property closer to our boundary and alterations to their garden will result in only a fence to divide our gardens.
- Overdevelopment - The property will simply be too big and overbearing it will detract from the existing building and destroy the proportions.

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

HAESPD Householder Alterations- Extensions SPD

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

5.1 Assessment of the Proposal:

5.2 The key considerations to be taken into account when assessing this planning application are set out below:

5.3 **IMPACT ON CONSERVATION AREA**

The house retains its original simple form, with the addition of a single storey extension on the northern side on the footprint of an original structure, and a recent, less characteristic porch. The gable ends form a pair of scaled features.

The garage is a modern building of no historic significance, and the demolition would not be harmful to the Conservation Area.

5.4 The proposed extension as originally submitted was considered to be too large, and would create an alien, modern feature in the principal view of the property.

5.5 However, the amendments to the scheme have reduced the scale of the extension and it now does not project forwards across the principal elevation of the original property. The extension would be appropriately sized in relation to the existing dwelling and the roof design would coincide well with the property and those in the local area, with the roof pitch matching the main house, existing northern extension and the proposed southern gable end to the extension. The rooflights would be positioned suitably and would have little impact to the conservation area.

5.6 The glazed link is considered to create the illusion that the extension would be separate from the main property, creating a difference between the new and old which remains the focal point. Similar glazed link design has been used successfully on other properties in the Ryton conservation area to great effect and within alternative conservation areas across the North East.

5.7 As such this amended scheme, with appropriate conditions relating to materials (Condition 3), is not considered to be harmful to the conservation area and would be considered to be in accordance with the NPPF and policies CS15 and MSGP25 of the Local Plan for Gateshead.

#### 5.8 IMPACT ON STREET SCENE

It is considered that the scale and design of the development as a whole is appropriate to the host property and surrounding area. To ensure that the proposed development does not have an adverse effect upon the appearance of the existing building a condition relating to the proposed materials is proposed along with the colour of the render to stay neutral to keep the traditional character and appearance of the area and to ensure the garage door would be made of timber and the windows while be designed as sash windows would resemble those to the north. (Condition 3).

5.9 As such, the proposal for the demolition of the existing detached garage and the construction of a new rear/side single storey extension and garage is considered to be acceptable in regards to its character and appearance in relation to the host property and the surrounding area. The extension would be set back on the site, away from the public highway in a less prominent position, thus having little adverse impact to the streetscene.

5.10 It is considered that the development is in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.

#### 5.11 HIGHWAY IMPACTS

The proposal would not have an unacceptable impact on highway capacity, highway safety or parking provision, with the driveway being retained at a suitable length and the garage being able to enable at least one vehicle. It is

therefore considered that the proposal complies with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

#### 5.12 RESIDENTIAL AMENITY

Newman Grange located to the east of the development site would experience little adverse impact from the proposed works. The extension would be situated along the shared boundary line, projecting approximately 5.2m out of the rear elevation, with no windows on the side flank elevation adjacent to Newman Grange, causing minimal loss of outlook and privacy. The extension would be of only one storey, with a sloped roof and due to the orientation of the properties and the direction in which the sun travels, along with the existing boundary wall, it is considered that there would be minimal loss of light as a result of this development.

5.13 Bramble Cottage to the west of the site would experience little impact from the proposed works. The extension would be situated approximately 3.2m away from the shared boundary line and would be approximately 6m in length. There would be no new windows on the side flank elevation adjacent to the neighbouring property and the extension would be of only one storey. New hedging is proposed along the shared boundary line to provide additional screening to the approximately 6ft high fence already situated on the boundary. Due to these factors along with the orientation of the properties and Bramble being set back further within its site it is considered that there would be minimal loss of light, outlook and privacy as a result of this development.

5.14 To the front (west) of the host property are Four Leaves and Ridsdale, both of which would experience no detrimental impact from the proposed works. This is due to the works taking place a considerable distance away from them, consisting of approximately 9.4m of the host properties front garden and a public highway. The proposed extension would be located behind the existing property and would extend beyond the existing side elevation so would be visible from the properties opposite but at a considerable distance away. The extension would be of only one storey and due to the orientation of the properties it is considered that there would be no harmful impact, with no loss of light, outlook or privacy.

5.15 To the rear (east) West House, 68 Main Road would experience little adverse impact from the proposed works. This is due to the considerable separation distance from the proposed works to the shared boundary line, along with the extension being of only one storey. These factors along with the orientation of the sites in relation to one another and the direction in which the sun travels means that it is considered that there would be minimal loss of light, outlook and privacy to West house.

5.16 It is considered that the proposed development would provide an acceptable standard of amenity for neighbouring and proposed occupiers, having regard to light, outlook and privacy. Therefore, it is considered that the proposal is in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

## 5.16 TREES, HEDGES AND BOUNDARY TREATMENT

The submitted plans do not indicate that any trees would be lost as a result of the development. The plans show new planting/hedging to provide additional screening along the western boundary, along with 'at least 6ft fence to be erected'.

5.17 However, the crown of a weeping willow, to the west of the main elevation of the house is shown as oversailing part of the proposed garage. Comments from the Council's Arboricultural Officer are expected and these along with any relevant recommended conditions will be provided in an Update Report.

## 6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is therefore recommended that planning permission be granted, as the development has been able to demonstrate, subject to suitable conditions would not cause harm to the Conservation Area, amenity or highway safety. It is considered that the development does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

## 7.0 Recommendation:

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

1

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

Site Location Plan, No.1379/00, Scale 1:1250, 2021

Existing Plans and Elevations, No.1397/01, Scale 1:100, 2021

Proposed Elevations, Drawing No. 1397/04A, Scale 1:100, 2021

Proposed West and East Elevations, Drawing No.1397/03A, Scale 1:10, 2021

Existing and Proposed Site and Roof Plan, Drawing No. 1397/05B, Scale 1:200, 2021

Proposed Plans, Drawing No.1397/02B, Scale 1:100, 2021

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

All external surfaces shall be completed in materials to match those of the existing building. Where new materials are to be used, the details of these shall first be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the garage door shall be of timber construction.

Reason

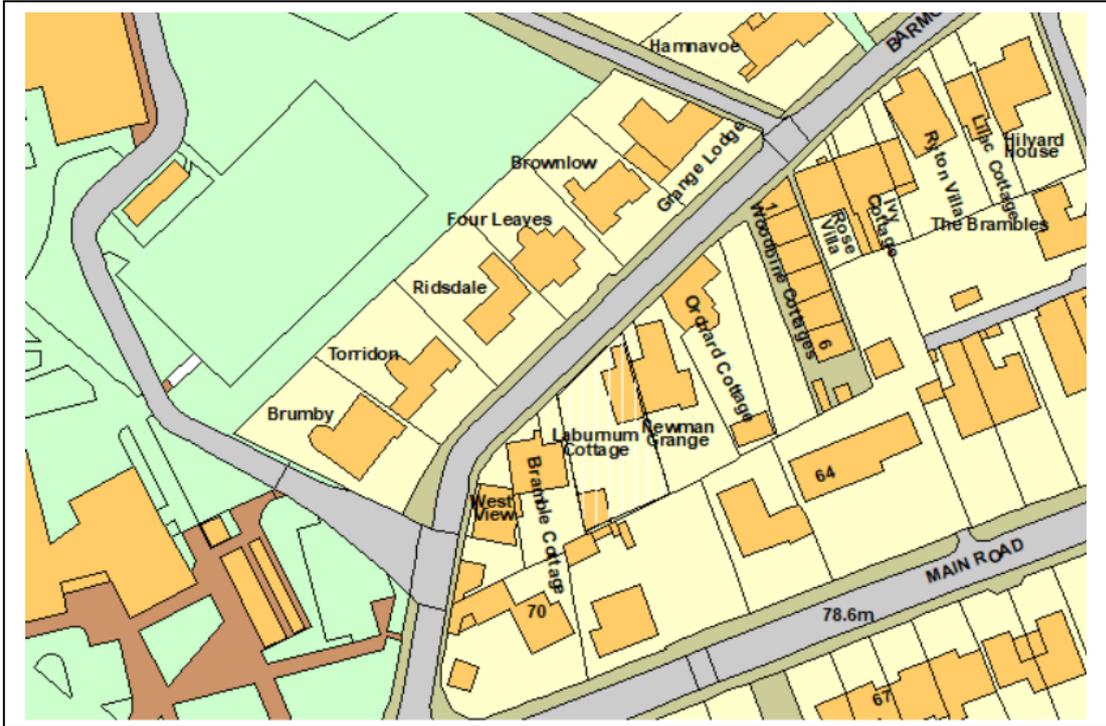
To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building or Conservation Area, in accordance with the NPPF, policies CS14, CS15, MSGP24 and MSGP25 of the Local Plan for Gateshead.

4

The development shall be constructed in accordance with any materials approved under condition 3.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building or Conservation Area, in accordance with the NPPF, policies CS14, CS15, MSGP24 and MSGP25 of the Local Plan for Gateshead.



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**Committee Report**

<b>Application No:</b>	<b>DC/21/01117/FUL</b>
<b>Case Officer</b>	<b>Andrew C Softley</b>
<b>Date Application Valid</b>	<b>12 October 2021</b>
<b>Applicant</b>	<b>SAS Energy Limited</b>
<b>Site:</b>	<b>Land At Gateshead International Stadium Neilson Road Gateshead NE10 0EF</b>
<b>Ward:</b>	<b>Felling</b>
<b>Proposal:</b>	<b>Installation of ground mounted solar photovoltaic array and associated substation.</b>
<b>Recommendation:</b>	<b>GRANT TEMPORARY PERMISSION</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE SITE**

The application site is a 1.02 hectare area of amenity grassland on the north side of the A184 Felling Bypass, to the southeast of and within the grounds of the Gateshead International Stadium, adjacent to the Gateshead College Academy for Sport. To the west the site borders the car park for the Gateshead College Academy for Sport and to the south is the A184 Park Road. To the east the site adjoins the rear gardens of residential properties in Coach Road Green. Vehicular and pedestrian access to the site is via the main entrance into the Gateshead College Academy for Sport via Neilson Road.

**1.2 DESCRIPTION OF THE APPLICATION**

This application proposes the installation of a ground mounted solar photovoltaic (pv) array and associated substation for a temporary period of 10 years. A total of 2066 pv modules would be installed on low profile mounting frames set at an angle of 10 degrees from horizontal covering a total area of 6410m<sup>2</sup> (0.64 hectares). The panels would be low level to the ground, with a maximum height of 384mm (38cm) from the lowest point of the mounting system to the highest point of each panel. It is also worth noting that a base layer of 40mm of stone/pebbles would be applied to the existing ground level first with the mounting system for the panels placed on top of the base layer. Therefore, the total maximum height above the existing ground level once installed would be approximately 424mm (42.4cm). The panels would be arranged in uniform rows with a 480mm (48cm) gap between each row.

1.3 The panels would be laid in two distinct sections, known as the eastern and the western sections respectively. The eastern section would be made up of 614 panels orientated in a south-easterly direction, whereas the western section would be made up of 1452 panels orientated in a south south-westerly direction. Separating the two sections would be 7.2m corridor running in a

north-south direction through the site before turning and progressing to the north east corner of the site. The corridor is to provide a central access route through the site for maintenance and also to maintain an easement for existing underground services.

- 1.4 In the northwest corner of the site a sub-station and inverter station and entrance hardstanding would be constructed. The substation would be a prefabricated structure with external dimensions of 3.9m by 3.9m by 2.85m high on a 700mm deep foundation. The inverter station would sit alongside the substation and would comprise seven adjoining units with a total length of 11m and a height of 2m set on a 200mm concrete base. To service the substation and inverter station an area of hardstanding is proposed to link them to the access point.
- 1.5 There is an area of uneven ground at the north of the site, within the perimeter boundary fence but outside the area proposed for the solar array which has been assessed and deemed unsuitable due to the uneven ground. The existing scrub vegetation would be retained and left to naturalise.
- 1.6 All existing boundary vegetation to the south and east would be retained and remain unaffected. Additional planting is proposed along the eastern boundary of the solar array to partially screen the panels from the closest dwellings located in Coach Road Green.

#### 1.7 RELEVANT PLANNING HISTORY

DC/21/00292/FUL: Planning permission granted for the erection of a permanent MasterView Mesh Fence System 868, 2.4m in height and 6m width double access gate in pre-galvanised and polyester powder-coated green. Permission granted 16.04.2021.

### 2.0 Consultation Responses:

Tyne And Wear Archaeology Officer	It is considered that the proposals will not have a significant impact on any known heritage assets. Therefore, no archaeological work is required.
Coal Authority	No objections.
Northumbria Water	No objections.
Newcastle Airport	No objections.

### 3.0 Representations:

- 3.1 Direct notification letters have been sent to 85 neighbouring addresses and the application has been publicised with press and site notices.
- 3.2 No representations have been received.

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP20 Land Contamination/Stability

MSGP22 Aircraft Safety

MSGP24 Design Quality

MSGP28 Renewable and Low Carbon Energy

MSGP29 Flood Risk Management

MSGP37 Biodiversity and Geodiversity

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

##### **5.1 ASSESSMENT**

The main planning issues to be considered are the principle of the development, visual/residential amenity, landscaping, transport, contaminated land and coal mining legacy, flood risk and drainage, and ecology.

##### **5.2 PRINCIPLE**

Climate Change

The Council has declared a climate change emergency and has pledged to be carbon neutral by 2030, and to work with partners and agencies to assist in the whole of Gateshead being carbon neutral in the same timeframe. Therefore, the implementation of low carbon and renewable energy generation projects will contribute towards meeting carbon reduction targets.

As a result, the Council is supportive in principle of low carbon energy generation projects such as this one. This in-principle position is supported by policies CS16 and MSGP28 of the Local Plan for Gateshead, which seek to promote sustainable and low carbon developments/energy generation. Furthermore, paragraph 12.29 of the of the Core Strategy and Urban Core Plan states that 'This Plan supports the development of appropriate, commercial-scale energy schemes. In accordance with national planning policy, weight will be given to the wider environmental, social and economic benefits of renewable and low carbon energy generation in considering proposals.'

### 5.3 VISUAL/RESIDENTIAL AMENITY

The low level nature of the development, being only just over 42cm above ground level at the highest point combined with the modest gradient change across the site and the established and mature soft vegetation, especially along the southern boundary of the site means that visual amenity should not be harmed by the proposed development.

5.4 With regard to residential amenity, a glint and glare assessment has considered residential receptors that:

- Are within, or close to one kilometre of the proposed development; and
- Have a potential view of the panels.

5.5 Applying this to the proposed development returned 38 properties that warranted further assessment. The results of the analysis have shown that solar reflections from the proposed development are possible towards 14 of the 38 assessed dwellings. For seven of the 14 dwellings (6 are south west of the application site on the south side of the A184 and 1 to the northeast of the application site), existing screening in the form of vegetation along the boundaries of the application site, the location of the Gateshead College Academy for Sport building and a significant difference in orientation, would mitigate possible solar reflections either completely or significantly. However, for the other 7 properties (located to the east of the application site on Coach Road Green) significant views of the reflecting solar panel areas are expected and therefore moderate glint and glare effects are predicted. To address this a detailed landscaping scheme has been submitted setting out a range of shrub planting along the eastern edge of the application site to screen the panels and thus mitigate the glint and glare effects upon the 7 properties within Coach Road Green. The proposed mitigation scheme is considered to be acceptable and thus should be installed at the earliest opportunity to help maintain residential amenity. This can be secured by condition (condition wording to follow as an update report).

5.6 The location towards the northwest corner of the site and the modest size of the substation and inverter station are such that no residential amenity issues are foreseen.

5.7 Taking all the issues into account and subject to the condition referred to above, it is considered that the proposed development would maintain visual

and residential amenity and thus accord with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 of the Local Plan for Gateshead.

#### 5.8 TRANSPORT

The principle of the development is supported in transport terms, as once operational the trips made to and from the site would be minimal at 1 every six months.

5.9 Therefore, the key points to consider are whether glint and glare could impact vehicles on the A184 Felling Bypass and what the implications would be for the construction of this development.

5.10 With regard to glint and glare, the assessment identified a section of the A184 where solar reflections would theoretically be possible. However, when taking into account the location of the Gateshead College Academy for Sport building and the mature vegetation along the southern boundary of the application site it is considered that the A184 would be screened and thus no highway safety issues would result. The vegetation in question is in Council ownership and thus is in the Council's gift to ensure the vegetation is maintained.

5.11 A draft construction management plan (CMP) has been submitted and is being considered by officers. An update report to address the CMP in more detail can be expected.

5.12 Taking the issues raised into account it is considered that the proposal would safeguard highway safety and thus accords with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

#### 5.13 CONTAMINATION/COAL MINING LEGACY

The application site has been assessed and inspected as part of the Council's Contaminated Land strategy, as part of the Local Authorities' obligations under Part IIA of the Environmental Protection Act of 1990, and has not been determined as "Contaminated Land". However, the site is situated on potentially contaminated land based on previous historic uses, i.e. the site has previously been occupied by former housing estates and the adjacent land was in use as chemical works during the 19th Century, albeit it was reclaimed in the 1960s and again in 2007.

5.14 The application is accompanied by a Phase 1 Geo environmental Desk Study and a Preliminary Phase 2 Geo-environmental Ground Investigation Report. The reports have been assessed by officers and it is considered that the methodologies used and conclusions reached are acceptable. The Phase 2 report provides details of an intrusive site investigation undertaken within the site boundaries which concludes that there is no risk to potential site users from potential land contamination, which officers consider is an acceptable conclusion based on the information provided. The report then concludes that "The solar farm development with associated services and substation is likely to be primarily unmanned and involving shallow excavation with minimal ground disturbance. There is unlikely to be a significant risk to human

receptors at the site associated with the proposed development". Again, based on the information presented, officers consider this is an acceptable conclusion to reach.

- 5.15 Notwithstanding the above there is the potential that previously unidentified contaminated materials could be discovered during the construction process. Therefore, should that occur the affected material and ground should be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations should cease until the exposed material has been chemically tested. This can be dealt with via condition (condition wording to follow as an update report).
- 5.16 Overall, taking into account the condition referred to above, it is considered that the proposed development accords with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead in respect of contamination.
- 5.17 With regard to coal mining legacy, solar panel arrays such as proposed here are exempt from requiring a coal mining risk assessment (CMRA) due to the minimal groundworks required for their installation. However, any permanent structures that require foundations, which in this case amounts to the proposed substation and inverter, do require consideration when located in a defined high risk area, which the application site is and so the application includes a CMRA to address those elements. Furthermore, in this case, The Coal Authority records indicate that there is an off-site mine entry within influencing distance of the north eastern part of the site. The CMRA and the site the layout proposed has taken the recorded mine entry into account and the proposed substation and inverter are located to the north west corner of the site and the solar arrays would be laid out to avoid the zone of influence associated with the mine entry.
- 5.18 As a result, it is considered that the applicant has demonstrated to the LPA that the site is, or can be made safe and stable for the development proposed and thus is in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead in terms of coal mining legacy.
- 5.19 **FLOOD RISK AND DRAINAGE**  
The application site is located within Flood Zone 1 and there are no other significant sources of flood risk to the site. According to the Environment Agency's Risk of flooding from Surface Water map, the majority of the site is considered to be at very low risk of flooding from pluvial sources. For the 1 in 1000-year pluvial flood event there are areas mapped at risk of flooding along the eastern site boundary, including the north eastern site corner and the south eastern site corner. However, given the nature of the proposal and the fact it is only proposed for a limited 10 year period, it is considered that the risks are very low and do not warrant any mitigation.
- 5.20 With regard to drainage, as the panels would be mounted on frames on a bed of stone and pebbles, the majority of the site would remain permeable. Only the area of hardstanding and the substation and inverter station would amount

to the addition of impermeable surfaces to the site, which would be approximately 136sqm in area out of a site area of 1.02 hectares. Given the nature of the development and the very small area of new impermeable ground it is proposed to mimic existing conditions and shed surface water to the surrounding grassland and allow surface water to infiltrate into the surrounding ground, as on balance it is considered that the change is not significant enough to warrant mitigation in this case.

5.21 Overall, it is considered that the proposed development does not create any significant flood risk or drainage issues and thus accords with the NPPF and policies CS16 and MSGP29 of the Local Plan for Gateshead.

#### 5.22 ECOLOGY

A Preliminary Ecological Appraisal (PEA) has been submitted with the application. The PEA identified eight types of habitat on site. These are; amenity grassland, bare ground, buildings, dense scrub, boundary fences, hedge with trees (poor), poor semi-improved grassland and scattered trees. These habitats are all considered to be locally and nationally common and widespread and therefore of limited ecological value. No impacts on designated nature conservation sites are anticipated and no controlled invasive species were noted.

5.23 Based on the current proposals, the following impacts may potentially occur as a result of the works.

- Loss of nesting and foraging habitat for an assemblage of locally common bird species during vegetation clearance works
- Loss of foraging habitat for, and potential killing or injuring of a NERC Act listed species (Hedgehog)
- Loss of low foraging potential for a European Protected species (Bats)

5.24 Precautionary working method statements have been provided to reduce any risk of harming Hedgehog and nesting birds and implementing them can be secured by condition (condition wording to follow as an update report).

5.25 A Biodiversity Net Gains calculations has been undertaken using the Defra Biodiversity Metric 3.0 and it has returned an on-site baseline of 5.94 habitat units. The on-site post development habitat impacts can be assessed and subsequent compensatory measures can be calculated on submission of the final detailed plans. The proposed development would remove the majority of the grassland cover and is calculated to result in biodiversity loss of 1.52 units. To compensate for the loss of the grassland the landscape plan includes the new planting of a native broadleaved species woodland block on the eastern boundary of the site, in addition to the planting of a new native species hedgerow, however, this does not fully address the loss of units as a result of the development.

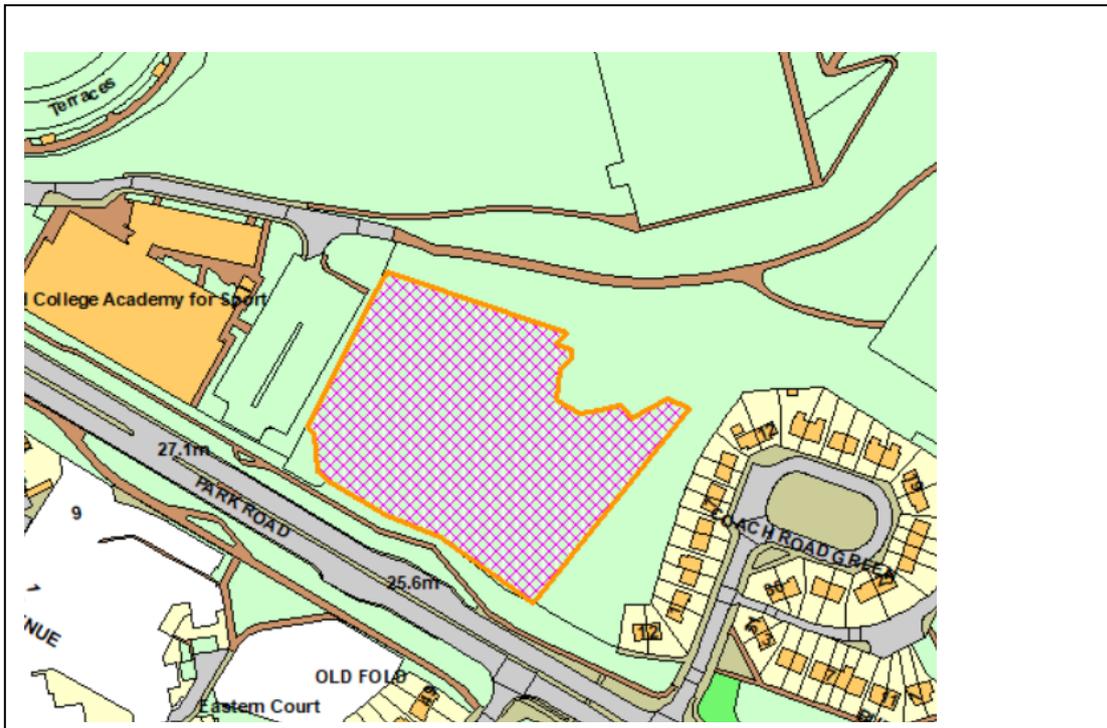
5.26 An update report to address the shortfall is expected to demonstrate that the development accords with the NPPF and policies CS17 and MSGP37 of the Local Plan for Gateshead.

## 6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is recommended that temporary planning permission be granted, as the proposal has been able to demonstrate that it would be acceptable, subject to conditions. It is considered that the proposal does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant.

## 7.0 Recommendation:

That temporary permission be GRANTED



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**Committee Report**

<b>Application No:</b>	<b>DC/21/01206/FUL</b>
<b>Case Officer</b>	<b>Andrew C Softley</b>
<b>Date Application Valid</b>	<b>12 October 2021</b>
<b>Applicant</b>	<b>SAS Energy Limited</b>
<b>Site:</b>	<b>Baltic Business Quarter Albany Road Gateshead NE8 3BP</b>
<b>Ward:</b>	<b>Bridges</b>
<b>Proposal:</b>	<b>Installation of ground-mounted solar photovoltaic array and associated substation</b>
<b>Recommendation:</b>	<b>GRANT TEMPORARY PERMISSION</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE SITE**

The application site is approximately 3.04 hectares in area that is located to the north of Albany Road. The site currently consists of a derelict, stopped up road and footways and shrubland. The site gradually falls from Albany Road in the south towards Hawks Road in the north. To the north of the site is a continuation of scrubland and former estate roads and to the east are a number of industrial buildings that front onto Saltmeadows Road and Albany Road respectively. To the west is the construction site of the new Gateshead Quays Link Road and beyond that is the Northern Design and other office buildings and the construction site of the new Gateshead Multi Storey Car Park. To the south is Albany Road and beyond that further industrial development.

1.2 The application site forms part of a major regeneration area which is allocated for a diverse mix of cultural, commercial, and leisure-led uses within CSUCP Policy QB1 (Quays and Baltic Sub- Area) and CSUCP Policy QB3 (Quays and Baltic Development Opportunity Sites). It lies within the Baltic Business Quarter site, which is identified for a strategic office quarter attracting regional and international investment.

**1.3 DESCRIPTION OF THE APPLICATION**

This application proposes the installation of a ground mounted solar photovoltaic array and associated substation for a temporary period of 25 years. A total of 6068 pv modules would be installed on low profile mounting frames set at an angle of 10 degrees from horizontal covering a total area of approximately 1.5 hectares. The panels would be low level to the ground, with a maximum height of 384mm (38cm) from the lowest point of the mounting system to the highest point of each panel. It is also worth noting that a base layer of 40mm of stone/pebbles would be applied to the existing ground level first with the mounting system for the panels placed on top of the

base layer. Therefore, the total maximum height above ground level once installed would be approximately 424mm (42.4cm).

- 1.4 The site would be split in two by a central corridor to provide access through the site for maintenance and also to retain an easement to existing underground services. As a result the panels would form two distinct groups with those to the east of the corridor orientated in an easterly direction and those to the west of the corridor orientated in a westerly direction.
- 1.5 Close to the southern boundary a substation enclosure would be created that house two prefabricated buildings and also an inverter station. The substations would be prefabricated structures with external dimensions of 6.5m by 5m by 3.5m and 3.4m by 3.1m by 2.4m respectively. The inverter station would sit alongside the substation and would comprise 19 adjoining units set in two rows with a total length of 18m and a height of 2m set on a 200mm concrete base. To service the substation and inverter station an area of hardstanding is proposed to link them to the access point.
- 1.6 The land slopes gradually downwards from south to north but not in a uniform manner, meaning high and low spots exist across the site. The proposal is therefore to utilise cut and fill to level the site up in order to create a uniform gradient. This is envisaged to result in an element of surplus material that would be deposited in the south east corner of the site and naturalised to form a small landscape bund. The mound would be seeded as part of the landscaping scheme.
- 1.7 All existing vegetation to the north of the application site would be retained and remain unaffected. Additional planting is proposed along sections of the southern boundary adjacent to Albany Road and in the north-western corner of the site in the form of native species mix comprising Field Maple, Hawthorne, and other species.
- 1.8 Vehicular access would be via the existing access point off Albany Road and would utilise the existing hardstanding in order to service the development.
- 1.9 The proposals do not include any artificial lighting installation which is not required as part of the development.
- 1.10 **RELEVANT PLANNING HISTORY**  
DC/20/01156/FUL: Planning permission granted for the erection of a mesh fence around site boundary and double access gate on southern boundary (amended 20/01/21 and 05/02/21). Permission was granted 05.03.2021.  
  
DC/20/00694/FUL: Planning permission granted for the construction of a proposed link road, cycleway and footpaths connecting Hawks Road and Albany Road including provision of signalised junctions, landscaping and drainage. Permission was granted 19.10.2020.

## **2.0 Consultation Responses:**

Northumbria Water                      No objections.

Newcastle Airport                      No objections.

Coal Authority                          No objections.

## **3.0 Representations:**

3.1 Direct notification letters have been sent to 202 neighbouring addresses and the application has been publicised with press and site notices.

3.2 No representations have been received.

## **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

QB3 Quays and Baltic Dev Opportunity Sites

UC13 Respecting and Managing Views

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

MSGP4 Loss of Employment Land

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP20 Land Contamination/Stability

MSGP22 Aircraft Safety

MSGP24 Design Quality

MSGP28 Renewable and Low Carbon Energy

MSGP29 Flood Risk Management

MSGP37 Biodiversity and Geodiversity

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

### **5.1 ASSESSMENT**

The main planning issues to be considered are the principle of the development, visual/residential amenity, landscaping, transport, contaminated land and coal mining legacy, flood risk and drainage, and ecology.

### **5.2 PRINCIPLE**

#### Climate Change

The Council has declared a climate change emergency and has pledged to be carbon neutral by 2030, and to work with partners and agencies to assist in the whole of Gateshead being carbon neutral in the same timeframe.

Therefore, the implementation of low carbon and renewable energy generation projects will contribute towards meeting carbon reduction targets.

As a result, the Council is supportive in principle of low carbon energy generation projects such as this one. This in-principle position is supported by policies CS16 and MSGP28 of the Local Plan for Gateshead, which seek to promote sustainable and low carbon developments/energy generation. Furthermore, paragraph 12.29 of the of the Core Strategy and Urban Core Plan states that 'This Plan supports the development of appropriate, commercial-scale energy schemes. In accordance with national planning policy, weight will be given to the wider environmental, social and economic benefits of renewable and low carbon energy generation in considering proposals.'

### **5.3 Employment**

The application site forms part of the Baltic Business Quarter and is identified under policy QB3 of the Core Strategy as a 'Development Opportunity Site'. This policy advises that uses will encompass office, hotels, sport and leisure, education and ancillary retail. Paragraph 17.86 of the supporting text advises that Baltic Business Quarter has the floor space capacity of 81,200 square metres of office accommodation, resulting in the potential for a strategic office quarter attracting regional and international investment. However, this is a long term aim and the development of the Baltic Business Quarter is expected to take a number of years to be realised. Therefore, use of the site as a solar farm for an interim period is not considered to jeopardise the long term aims of the site, as the scheme is designed to be removed quickly and efficient should a long terms development opportunity that aligns with policy QB3 present itself. Furthermore, making use if the site on an interim basis for renewable energy generation has obvious benefits, as has been set out in the previous paragraph.

#### 5.4 VISUAL/RESIDENTIAL AMENITY

The low level nature of the development, being only just over 42cm above ground level at the highest point combined with the modest gradient change across the site and the established vegetation, which would be further supplemented means that visual amenity should not be harmed by the proposed development.

5.5 With regard to residential amenity, a glint and glare assessment has considered residential receptors that:

- Are within, or close to one kilometre of the proposed development; and
- Have a potential view of the panels.

5.6 Applying this to the proposed development returned 16 properties that warranted further assessment. The results of the analysis have shown that solar reflections from the proposed development are theoretically possible towards 5 of the 16 assessed dwellings, at Baltic Quay Apartments. However, when consideration is then given to what existing screening exists, it is apparent that all 5 dwellings would be effectively screened from any significant glint and glare by a combination of other buildings, orientation of windows and separation distances involved.

5.7 The location towards the southern boundary of the site and the relatively modest size of the substations and inverter station are such that no residential amenity issues are foreseen.

5.8 Taking all the issues into account and subject to the condition referred to above, it is considered that the proposed development would maintain visual and residential amenity and thus accord with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 of the Local Plan for Gateshead.

#### 5.9 TRANSPORT

The principle of the development is supported in transport terms, as once operational the trips made to and from the site would be minimal at 1 every six months.

5.10 Therefore, the key points to consider are whether glint and glare could impact vehicles on the surrounding roads and what the implications would be for the construction of this development.

5.11 With regard to glint and glare, the assessment has considered a section of the A184 and also a section of Hawks Road. The analysis has shown that no solar reflections would theoretically be possible to the A184. With regard to Hawks Road, solar reflections are theoretically possible, however, when consideration is then given to what existing screening exists, it is apparent that Hawks Road would be effectively screened from any significant glint and glare due the existing vegetation that exists along Hawks Road. Therefore, no highway safety issues would result. The vegetation in question is in Council ownership and thus is in the Council's gift to ensure the vegetation is maintained.

- 5.12 The concern at this stage is that the glint and glare assessment has only considered Hawk Road and Park Road, with no reference is made to Albany Road, Quarryfield Road, the Quays Link Road that is under construction or the access road associated with the committed multi storey car park. It is considered that these points should be addressed by the applicant and an update report shall be provided.
- 5.13 A draft construction management plan (CMP) has been submitted and is being considered by officers. An update report to address the CMP in more detail can be expected.
- 5.14 Taking the issues raised into account it is considered that the proposal would safeguard highway safety and thus accords with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead, subject to satisfying the points raised above.
- 5.15 **CONTAMINATION/COAL MINING LEGACY**  
The application site has been assessed and inspected as part of the Council's Contaminated Land strategy, as part of the Local Authorities' obligations under Part IIA of the Environmental Protection Act of 1990, and has not been determined as "Contaminated Land". However, the site is situated on potentially contaminated land based on previous historic uses, i.e. the site has previously been occupied by former housing estates.
- 5.16 The application is accompanied by a Phase 1 Geo environmental Desk Study and a Preliminary Phase 2 Geo-environmental Ground Investigation Report. The reports have been assessed by officers and it is considered that the methodologies used and conclusions reached are acceptable. The Phase 2 report provides details of an intrusive site investigation undertaken within the site boundaries which concludes that there is no risk to potential site users from potential land contamination, which officers consider is an acceptable conclusion based on the information provided.
- 5.17 Notwithstanding the above there is the potential that previously unidentified contaminated materials could be discovered during the construction process. Therefore, should that occur the affected material and ground should be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations should cease until the exposed material has been chemically tested. This can be dealt with via condition (condition wording to follow as an update report).
- 5.18 Overall, taking into account the condition referred to above, it is considered that the proposed development accords with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead in respect of contamination.
- 5.19 With regard to coal mining legacy, solar panel arrays such as proposed here are exempt from requiring a coal mining risk assessment (CMRA) due to the minimal groundworks required for their installation. However, any permanent structures that require foundations, which in this case amounts to the

proposed substations and inverter, do require consideration when located in a defined high risk area, which the application site is and so the application includes a CMRA to address those elements. Furthermore, in this case, The Coal Authority records indicate that there are two mine entries within the central element of the site. The CMRA and the site the layout proposed has taken the recorded mine entries into account and the proposed substations and inverter are located to towards the southern boundary of the site and the solar arrays would be laid out to minimise any potential impacts.

5.20 As a result, it is considered that the applicant has demonstrated to the LPA that the site is, or can be made safe and stable for the development proposed and thus is in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead in terms of coal mining legacy.

#### 5.21 FLOOD RISK AND DRAINAGE

The application site is located within Flood Zone 1 and there are no other significant sources of flood risk to the site. According to the Environment Agency's Risk of flooding from Surface Water map, the majority of the site is considered to be at very low risk of flooding, with the exception of some identified surface water ponding areas that could occur during extreme rainfall events. Therefore, given the nature of the proposal and the fact it is only proposed for a limited period, it is considered that the risks are very low and do not warrant any mitigation.

5.22 With regard to drainage, as the panels would be mounted on frames on a bed of stone and pebbles, the majority of the site would remain permeable. Only the area of hardstanding for the substations and inverter station would amount to the addition of impermeable surfaces to the site, which would be approximately 136sqm in area out of a site area of 3.04 hectares. Given the nature of the development and the very small area of new impermeable ground it is proposed to mimic existing conditions and shed surface water to the surrounding land and allow surface water to infiltrate into the surrounding ground, as on balance it is considered that the change is not significant enough to warrant mitigation in this case. Furthermore, as part of the Gateshead Quays Link Road that is under construction, a sustainable drainage feature to serve the whole of the Baltic Quarter is being installed that this application could utilise if required.

5.23 Overall, it is considered that the proposed development does not create any significant flood risk or drainage issues and thus accords with the NPPF and policies CS16 and MSGP29 of the Local Plan for Gateshead.

#### 5.24 ECOLOGY

A Preliminary Ecological Appraisal (PEA) and a Natural Capital Assessment have been submitted with the application. The documents have identified six types of habitat on site. These are ephemeral / short perennial, semi-improved neutral grassland, broad-leaved plantation woodland, dense scrub, scattered scrub and hardstanding.

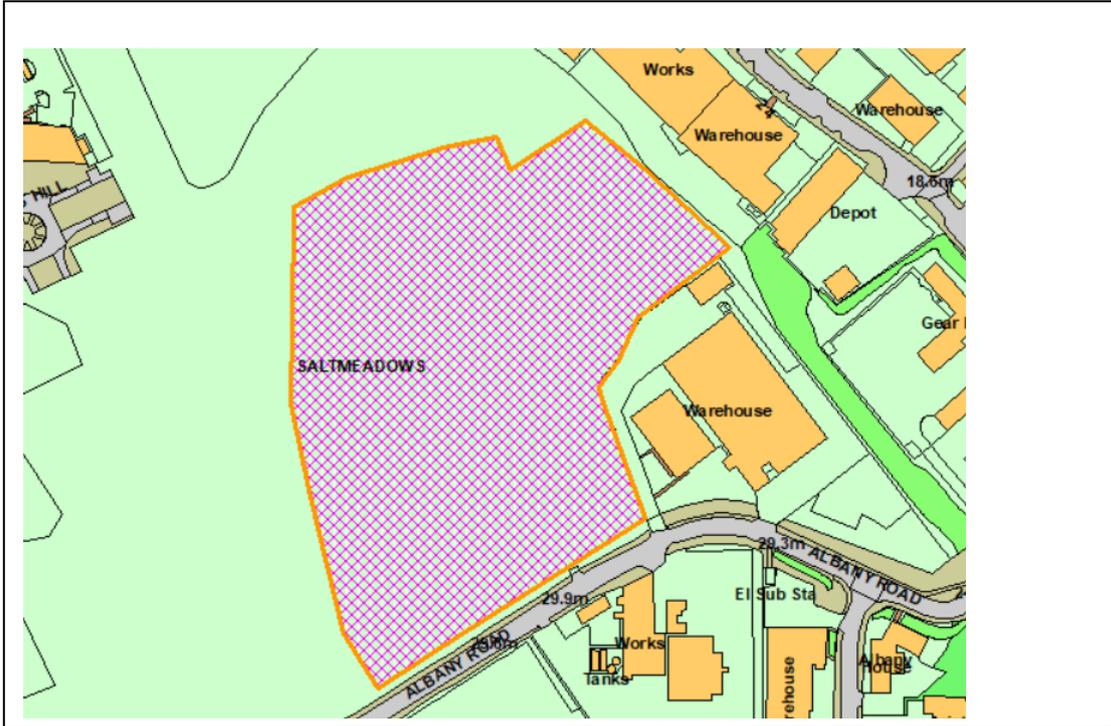
- 5.25 Based on the current proposals, the following impacts may potentially occur as a result of the works.
- Loss of nesting and foraging habitat for an assemblage of locally common bird species during vegetation clearance works
  - Loss of foraging habitat for, and potential killing or injuring of a NERC Act listed species (Hedgehog)
  - Loss of low foraging potential for a European Protected species (Bats)
- 5.26 Precautionary working method statements have been provided to reduce any risk of harming Hedgehog and nesting birds and implementing them can be secured by condition (condition wording to follow as an update report).
- 5.27 A Biodiversity Net Gains calculations has been undertaken using the Defra Biodiversity Metric 3.0 and it has returned an on-site baseline of 17.61 habitat units. The on-site post development habitat impacts can be assessed and subsequent compensatory measures can be calculated on submission of the final detailed plans. The proposed development would remove the majority of the vegetation and is calculated to result in biodiversity loss of 12.30 units, which is a significant loss of biodiversity. To compensate for some of the losses the landscape plan includes new planting of native broadleaved species along the southern aspect of the site, in addition to the planting of a new native species hedgerow, however, this does not fully address the loss of units as a result of the development.
- 5.28 An update report to address the shortfall is expected to demonstrate that the development accords with the NPPF and policies CS17 and MSGP37 of the Local Plan for Gateshead.

## **6.0 CONCLUSION**

- 6.1 Taking all the relevant issues into account, it is recommended that temporary planning permission be granted, as the proposal has been able to demonstrate that it would be acceptable, subject to conditions. It is considered that the proposal does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant.

## **7.0 Recommendation:**

That temporary permission be GRANTED



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**REPORT TO PLANNING AND DEVELOPMENT COMMITTEE**

**1<sup>st</sup> December 2021**

**TITLE OF REPORT: Infrastructure Funding Statement**

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

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**Purpose of the Report**

1. To inform Planning and Development Committee about about the latest version of the Infrastructure Funding Statement (IFS) which is required to be published annually on the Council's website by 31 December each year.

**Background**

2. The existing IFS was approved by Cabinet in December 2020. The IFS sets out what the Council has secured through Community Infrastructure Levy (CIL) contributions and Section 106 agreements from new developments. The IFS also sets out the priorities for spending the strategic (main) portion of CIL and wards where funding from the CIL neighbourhood fund is likely to become available.
3. As part of last year's IFS, Cabinet approved the recommendation that the main portion of CIL is used to part fund improvements to junctions along the A695 to mitigate the impact of new housing developments in Crawcrook and Ryton.
4. In October 2021, Cabinet approved changes to the governance of the CIL neighbourhood fund to provide more flexibility and longer notice periods for funds coming available.
5. The IFS is required to include:
  - A statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL.
  - A report about CIL, in relation to the previous financial year which includes:
    - The total value of CIL set out in all demand notices.
    - The total amount of CIL receipts.
    - The total amount of CIL expenditure.
    - The items of strategic infrastructure on which CIL has been spent.
    - The amount of CIL used for the neighbourhood portion and the items of infrastructure it has been allocated for or spent on.

- A report about Section 106 Agreements in relation to the previous financial year which includes information on monies received and what they were spent on.
6. A copy of this year's IFS is included at Appendix 2. This is due to go to Cabinet this month to seek approval to publish the document on the website.

### **A695 corridor**

7. For strategic infrastructure, Cabinet have already approved the use of CIL (alongside Section 106 contributions) to fund the upgrade of junctions along the A695 corridor to support new housing in this area, on three sites at Crawcrook North, Crawcrook South and Ryton (187 homes at Crawcrook North, 169 homes at Crawcrook South and 550 homes at Ryton). It also includes 404 homes at the Prudhoe Hospital (within Northumberland) which leaves a total of 1310 new homes.
8. So far, Section 106 contributions have funded the signalisation of Blaydon Roundabout and the widening of the Beweshill Lane roundabout. This leaves additional remedial works at Beweshill Lane, which have come out of the safety audit process, the Stargate Lane roundabout and the Greenside Road roundabout.
9. Current estimated costs for the whole A695 corridor are £2,250,820. A total of £1,054,590 is already committed from Section 106 contributions which leaves £1,196,230 to be funded through CIL once sufficient CIL funds are in place.
10. As new homes are already completed at Crawcrook North and South and the initial site preparations for the build-out of the Ryton site are taking place, the remaining works along the A695 corridor need to be carried out to prevent severe cumulative impacts on the road network.

### **Recommendation**

It is recommended that the Committee note this report and the Infrastructure Funding Statement 20/21 for information.

Contact: Emma Lucas- extension 3747 P

**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**

Nil

**8. WARD IMPLICATIONS**

This applies to all wards.

**9. BACKGROUND INFORMATION**

# **APPENDIX 2**

## **Gateshead Infrastructure Funding Statement 2020/21**

November 2021

### **1.0 Introduction**

1.1 This report provides a summary of financial contributions the Council has secured through CIL Contributions and Section 106 agreements from new developments for off-site infrastructure works and affordable housing.

1.2 The information included in the report will be updated annually and published on the Council's website. This will ensure the most up to date information on the amount of developer contributions received from new developments in addition to information on where these monies have been spent is readily available to members of the public and other interested parties.

1.3 The report does not include information on the infrastructure delivered on site as part of new developments in the borough.

1.4 Please note that data on developer contributions is imperfect because it represents estimates at a given point in time and can be subject to change. However, the data reported within this document is the most robust available at the time of publication.

### **2.0 Section 106 Obligations**

2.1 Under section 106 (s106) of the Town and Country Planning Act 1990 a Local Planning Authority (LPA) can seek obligations, both physically on-site and contributions for off-site, when it is considered that a development will have negative impacts that cannot be dealt with through conditions in the planning permission.

2.2 Regulations state that a planning obligation may only constitute a reason for granting planning permission for the development if the obligations is i) necessary to make the development acceptable in planning terms; ii) directly related to the development; and iii) fairly and reasonably related in scale and kind to the development.

2.3 New residential developments place additional pressure on existing social, physical and economic infrastructure in the surrounding area. Planning Obligations aim to balance this extra pressure with improvements to the

surrounding area to ensure that a development makes a positive contribution to the local area.

2.4 The obligations may be provided by the developers 'in kind', where the developer builds or provides directly the matters necessary to fulfil the obligation. This might be to build a certain number of affordable homes on-site, for example. Alternatively, planning obligations can be met in the form of financial payments to the Council to provide off-site infrastructure works or contributions towards providing affordable housing elsewhere in the borough. In some cases, it can be a combination of both on-site provision and off-site financial contributions.

2.5 Gateshead Council has adopted a Planning Obligations Supplementary Planning Document which sets out the Council's approach to requesting contributions towards infrastructure contributions from developers. The SPD does not set policy but provides a framework for implementation of policy DEL1: Infrastructure and Developer Contributions of the Local Plan.

2.6 In December 2016 the council adopted the first review version of the SPD, which is aligned with the provisions set out in Gateshead's CIL, and in particular the 123 Infrastructure List. A second review of the SPD has now been carried out, this included updates arising from the adoption of MSGP and also included an updated monitoring framework, including fees. Links to both documents are below:-

[https://www.gateshead.gov.uk/media/20990/Planning-Obligations-Supplementary-Planning-Document-Second-Review-July-2020/pdf/Planning\\_Obligations\\_Supplementary\\_Planning\\_Document\\_2nd\\_review\\_July\\_2020\\_Final.pdf?m=637310256147930000](https://www.gateshead.gov.uk/media/20990/Planning-Obligations-Supplementary-Planning-Document-Second-Review-July-2020/pdf/Planning_Obligations_Supplementary_Planning_Document_2nd_review_July_2020_Final.pdf?m=637310256147930000)

<https://www.gateshead.gov.uk/media/1917/Planning-Obligations-SPD-First-Review-Version/pdf/Planning-Obligations-SPD-First-Review-Version.pdf?m=636669002200300000>

2.7 The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 now allow Local Authorities to charge a monitoring fee through Section 106 planning obligations, to cover the cost of the monitoring and reporting on delivery of that section 106 obligation as described above. Monitoring fees can be used to monitor and report on any type of planning obligation, for the lifetime of that obligation. However, monitoring fees should not be sought retrospectively for historic agreements.

2.8 The regulations allow monitoring fees to be either a fixed percentage of the total value of the section 106 agreement or individual obligation; or could be a fixed monetary amount per agreement obligation; or Authorities may decide to set fees

using other methods. However, in all cases, monitoring fees must be proportionate and reasonable and reflect the actual cost of monitoring.

2.9 Therefore, the following monitoring fees have been added to any new s106 agreements from October 2020. The fees set out below are considered to be proportionate and will contribute to the Council's reasonable costs of monitoring each obligation.

<b>Obligation Category</b>	<b>Fee</b>	<b>Notes</b>
<b><u>Financial Monitoring</u></b>		
<b>Financial Contribution with commencement trigger</b>	£258.63 <i>(per obligation)</i>	Based on one day of officer time
<b><u>Financial Monitoring</u></b>		
<b>Financial Contribution with future trigger</b>	£517.26 <i>(per obligation and per trigger point)</i>	Based on two days of officer time
<b><u>Physical Monitoring</u></b>		
<b>Obligations on site during construction and post occupation e.g.</b> <ul style="list-style-type: none"> <li>• Employment &amp; training Plans</li> <li>• Local workforce commitments</li> <li>• Restriction of occupation</li> </ul>	£517.26 <i>(per obligation and per trigger point)</i>	Based on two days of officer time
<b><u>Physical Monitoring</u></b>		
<b>Developer provision e.g.</b> <ul style="list-style-type: none"> <li>• Open Space/Play</li> <li>• Affordable Housing</li> <li>• Highway works</li> </ul>	£517.26 <i>(per obligation and per trigger point)</i>	Based on two days of officer time
<b>Very large or complex developments may require a longer monitoring with commensurate monitoring charges</b>	<i>*On application</i>	
<b>Request to confirm compliance with S106 Obligations</b>	£52.42 <i>(per obligation)</i>	Based on one and a half hours of officer time

2.10 Monitoring fees will be reviewed annually to reflect up-to-date costs. To clarify, the fee will be added to the s106 requirements.

**3.0 Summary of Contributions received in 2020/21** (1<sup>st</sup> April 2020 – 31<sup>st</sup> March 2021)

3.1 A total of **£164,021.00** has been **received** in S106 contributions for the year 2020/21. This is split into: -

Affordable Housing - **£31,021.00**

Highways - **£60,000.00**

Ecology - **£73,000.00**

3.2 Table showing S106 payments **received** in **2020/21**

(1<sup>st</sup> April 2020 – 31<sup>st</sup> March 2021)

Development/Developer	Amount	Planning Ref	Date paid	Contribution Type
<b>Gullane Close, Bill Quay</b>  <b>Bede and Cuthbert Development Limited,</b> Keel House, Garth Heads, Newcastle NE1 2JE	£33,000.00	DC/17/01267/F UL	Paid 23/06/2020	Ecology
<b>Garden Street, Blaydon</b>  <b>TCWP 017 LTD,</b> 3 Keel Row, The Watermark, Gateshead, Tyne and Wear, NE11 9SZ	£31,021.00	DC/18/00863/F UL	Paid 19/10/2020	Affordable Housing

<b>Collingdon Rd, High Spen</b>				
<b>Avant Homes Limited</b> Investor House, Colima Avenue, Sunderland Enterprise Park, Sunderland SR5 3XB	£40,000.00	DC/18/00859/FUL	Paid 07/12/2020	Ecology
<b>Collingdon Rd, High Spen</b>				
<b>Avant Homes Limited</b> Investor House, Colima Avenue, Sunderland Enterprise Park, Sunderland SR5 3XB	£62,000.00	DC/18/00859/FUL	Paid 07/12/2020	Highways

3.3 Table showing obligations contained in S106 agreements **signed** in **2020/21**

(1<sup>st</sup> April 2020 – 31<sup>st</sup> March 2021)

<b>Developer/Development</b>	<b>Planning Reference</b>	<b>Contribution type</b>	<b>Amount</b>
<b>Bellway Homes</b> Cushy Cow Lane Local Workforce Contrib	DC/16/00320/FUL	Economic Development	£63,000.00

<b>Bellway Homes</b> Cushy Cow Lane Ecology 1 <sup>st</sup> Instalment	DC/16/00320/FU L	Ecology	£75,000.00
<b>Bellway Homes</b> Cushy Cow Lane Ecology 2 <sup>nd</sup> Instalment	DC/16/00320/FU L	Ecology	£25,000.00
<b>Bellway Homes</b> Cushy Cow Lane Ecology 3 <sup>rd</sup> Instalment	DC/16/00320/FU L	Ecology	£28,636.36
<b>Bellway Homes</b> Cushy Cow Lane Affordable Housing	DC/16/00320/FU L	Affordable Housing	43 Affordable Dwellings
<b>Taylor Wimpey</b> Woodside Lane Local Workforce Cont	DC/17/01376/FU L	Economic Development	£56,000.00
<b>Taylor Wimpey</b> Woodside Lane Ecology 1 <sup>st</sup> instalment	DC/17/01376/FU L	Ecology	£75,000.00
<b>Taylor Wimpey</b> Woodside Lane Ecology 2 <sup>nd</sup> instalment	DC/17/01376/FU L	Ecology	£25,000.00
<b>Taylor Wimpey</b> Woodside Lane Ecology 3 <sup>rd</sup> instalment	DC/17/01376/FU L	Ecology	£21,364.00
<b>Taylor Wimpey</b> Woodside Lane Affordable Provision	DC/17/01376/FU L	Affordable Housing	40 Affordable Dwellings
<b>LOK Developments Ltd</b> The Cottage Sunnside Affordable Provision	DC/20/00197/FU L	Affordable Housing	£182,367.32
<b>LOK Developments Ltd</b> The Cottage Sunnside Ecology	DC/20/00197/FU L	Ecology	£51,698.39

#### 4.0 Summary of Contributions received in 2019/20

(1<sup>st</sup> April 2019 – 31<sup>st</sup> March 2020)

4.1 A total of **£304,281.41** has been **received** in S106 contributions for the year 2019/20. This is split into: -

Education - **£68,820.15**

Ecology - **£61,501.26**

Highways - **£173,960.00**

4.2 Table showing S106 payments **received** in **2019/20**

(1<sup>st</sup> April 2019 – 31<sup>st</sup> March 2020)

Development/Developer	Amount	Planning Ref	Date paid	Contribution Type
<b>A695 Crawcrook</b>  <b>Story Homes Ltd</b> Panther House, Asama Court, Newcastle NE4 7YD	£68,820.15	DC/15/01004/FUL	Paid 30/09/2019	Education Contribution
<b>Sawmill, Felling</b>  <b>MH Southern &amp; Co Ltd</b> Green Lane Sawmills Felling, Gateshead NE10 0JS	£18,100.00	DC/18/00508/FUL	Paid 06/08/19	Ecology
<b>Pennyfine Rd, Sunnyside</b>  <b>Avant Homes Limited</b> Investor House, Colima Avenue, Sunderland	£3,600.00	DC/18/00704/FUL	Paid 09/09/2019	Highways (tanfield railway path)

Enterprise Park, Sunderland SR5 3XB				
<b>Pennyfine Rd, Sunniside</b>  <b>Avant Homes Limited</b> Investor House, Colima Avenue, Sunderland Enterprise Park, Sunderland SR5 3XB	£20,360.00	DC/18/00704/FUL	Paid 09/09/201 9	Highways (lighting of Tanfield railway path)
<b>Pennyfine Rd, Sunniside</b>  <b>Avant Homes Limited</b> Investor House, Colima Avenue, Sunderland Enterprise Park, Sunderland SR5 3XB	£31,252.60	DC/18/00704/FUL	Paid 09/09/201 9	Ecology
<b>Prudhoe Development</b>  <b>Gentoo Homes Limited</b> 2 Emperor House, 2 Emperor Way, Sunderland SR3 3XR	£150,000.00	Northumberland planning application	Paid 18/11/201 9	Highways (Blaydon Roundabout)
<b>Bus Depot, Mandela Way</b>  <b>The Go Ahead Group PLC</b> 3rd Floor, 41- 51 Grey Street, Newcastle upon Tyne NE1 6EE	£12,148.66	DC/18/00804/FUL	Paid 09/03/202 0	Ecology

#### 4.3 Table showing obligations contained in S106 agreements **signed** in **2019/20**

*(1<sup>st</sup> April 2019 – 31<sup>st</sup> March 2020)*

<b>Developer/Development</b>	<b>Planning Reference</b>	<b>Contribution type</b>	<b>Amount</b>
<b>DAMF (NE) Ltd</b> Highfield Road Ecology 1 <sup>st</sup> Instalment	DC/19/00279/F UL	Ecology	£10,000.00
<b>DAMF (NE) Ltd</b> Highfield Road Ecology 2 <sup>nd</sup> Instalment	DC/19/00279/F UL	Ecology	£10,000.00
<b>DAMF (NE) Ltd</b> Highfield Road Ecology 3 <sup>rd</sup> Instalment	DC/19/00279/F UL	Ecology	£16,000.00
<b>Gateshead Trading Co</b> Woodhouse Mews Affordable Provision	DC/18/03349/F UL	Affordable Housing	3 Affordable Dwellings
<b>TCWP 017 Ltd</b> Blaydon House Affordable Contribution	DC/18/00863/F UL	Affordable Housing	£31,021.00

## 5.0 Community Infrastructure Levy

5.1 CIL is a tariff-based charge on the development of new floorspace (per square metre) in the borough. This money can be used to fund a wide range of infrastructure that is required to meet the future growth needs of the borough. Unlike Section 106 agreements, the rate of CIL payable is both mandatory and non-negotiable.

5.2 The amount of CIL payable depends on where the development is located within the borough and the type of development (ranging from £0, £30 and £60 per square metre). The Gateshead CIL Charging Schedule and map of the charging zones is available to view on The Council's website at:

<https://www.gateshead.gov.uk/article/2972/Gateshead-Community-Infrastructure-Levy>

5.3 Once a CIL development has commenced a demand notice details the whole amount the developer is required to pay. The developer will then be able to pay either the whole amount or in instalments. Therefore, the amounts shown in the table below are a detailed look at the whole amounts required (the Demand Amount) to show the total amount of CIL due, which will be different to the CIL amounts received if only one instalment has been received.

<b>Year</b>	<b>Demand Amount</b>
2017/2018	£103,058.26
2018/2019	£517,968.12
2019/2020	£0
2020/2021	£266,120.06
2021/2022 (so far)	£1,570,927.51
<b>Total</b>	<b>£2,458,073.95</b>

5.4 The **total amount of CIL received** since being introduced in 2017 is shown in the table below: -

<b>Year</b>	<b>Received Amount</b>
2017/2018	£34,009.23
2018/2019	£170,929.48
2019/2020	£69,049.03
2020/2021	£322,905.44
2021/2022 (so far)	£637,211.07
<b>Total</b>	<b>£1,234,104.25</b>

5.5 In Gateshead 15% of CIL receipts collected are to be distributed as the Neighbourhood Portion. The total amount of CIL collected for this since 2017 is shown in the table below: -

<b>Year</b>	<b>Neighbourhood Portion (15%)</b>
2017/2018	£5,101.38
2018/2019	£25,639.42
2019/2020	£10,357.35
2020/2021	£48,435.82
2021/2022 (so far)	£95,581.66
<b>Total</b>	<b>£185,115.63</b>

5.6 Up to 5% of CIL funds can be retained annually to cover **administrative costs**. This is shown in the table below: -

<b>Year</b>	<b>Administrative Costs (5%)</b>
2017/2018	£1,700.46
2018/2019	£8,546.47
2019/2020	£3,452.45
2020/2021	£16,145.27
2021/2022 (so far)	£31,860.55
<b>Total</b>	<b>£61,705.20</b>

## **6.0 CIL EXPENDITURE**

6.1 This section sets out how CIL and S106 income will be spent and prioritised over the next reporting period (as per the requirements set out in relevant planning practice guidance and the CIL regulations).

6.2 The level and timing of CIL funding will depend on the nature and scale of the development, the number of implemented planning permissions, build-out rates, and the phasing of development etc. This makes it difficult to forecast exactly when future CIL income and expenditure might be paid.

### **6.3 Strategic CIL (main pot)**

Strategic CIL is to be allocated to the delivery of strategic infrastructure projects to support the growth of the Borough as set out in the Core Strategy and Urban Core Plan (CSUCP) as to when sufficient funds become available.

### **6.4 A695 corridor**

This includes improvements to roundabouts along the A695 through widening works and the signalisation of Blaydon Roundabout. This is to support the delivery of new housing sites at Crawcrook North, Crawcrook South and Ryton. These improvements will also mitigate the impact on Gateshead's highway infrastructure of new development within Northumberland – namely development at Prudhoe Hospital.

The A695 corridor improvements are to be funded by Section 106 contributions secured prior to the implementation of CIL as well as CIL and so far, this has helped fund the signalisation of Blaydon Roundabout.

Estimated costs for the whole A695 corridor are £2,250,820. A total of £1,054,590 is already committed from Section 106 contributions which leaves **£1,196,230** to be funded through CIL.

After the A695 corridor, potential future projects to be funded (or part funded) by Strategic CIL are:

### **6.5 Primary School expansion**

There is a particular need to support Primary School expansion to take into account the increased population that will result from the future development of the Exemplar Neighbourhood site.

### **6.6 Strategic transport improvements other than the A695 corridor**

These include cycle network improvements and key junction/road improvements, removal of Gateshead Highway flyover and creation of a tree lined boulevard from Durham Road to the Redheugh Bridge.

### **6.7 Strategic green infrastructure**

These include areas of ecological and biodiversity enhancements and green spaces.

### **6.8 MetroGreen strategic flood alleviation and mitigation and green infrastructure**

This includes a strategic land drainage network, flood defence along the River Tyne and strategic compensatory storage in the River Derwent.

## **7.0 Neighbourhood portion of CIL**

The Neighbourhood portion of CIL is being used to help deliver a wide range of projects that relate to the provision of infrastructure or address the demands arising from development in an area.

In 2017, Cabinet approved a process for bids for the neighbourhood portion to be made and assessed\*. The process is administered by the Community Foundation and decisions on bids made by local Ward Members and the Portfolio holder for Communities and Volunteering. Bids that come from the Ward in which the CIL development takes place are given priority and if funds

are not used up, bids are opened to neighbouring wards and then the whole of the Borough.

Earlier this Year, the Community Foundation sought bids from community groups within the wards and adjacent wards where CIL had been secured and 3 separate grants have been awarded for a total of £21,749.00 funding. This is set out in the table below.

\*Apart from CIL development within Lamesley Parish where the CIL Neighbourhood portion is automatically passed on to the Parish Council to spend.

#### 7.1 Table showing Neighbourhood Portion awards granted in 2021

Ref #	Organisation	Project	Amount awarded
FR-13413	1st Winlaton Scout Group	Refurbishing the scout hut in Winlaton	£4,000.00
FR-13437	High Spen Community Group	The purchase of a secure storage facility for use by the Group and the wider community	£8,513.00
FR-13659	South West Tyneside Methodist Circuit	Creating a community meeting/training room in Sunnyside Methodist Church	£9,236.00
<b>Total</b>			<b>£21,749.00</b>

#### 7.2 Table showing Neighbourhood Portion awards granted in 2020

Ref #	Organisation	Project	Amount awarded
FR-10170	South West Tyneside Methodist Circuit	Undertaking phase 1 of the building redevelopment	£4,500.00

FR-10211	Tyneside Vineyard	New flooring, lighting, furniture and kitchen equipment	£5,000.00
FR-10111	Marley Hill Community Bowling Club	Pavilion repairs	£5,000.00
FR-10627	Chopwell Regeneration CIO	Stage 1 of the building work for the renovation of the former Lloyds Bank in Chopwell	£5,000.00
FR-10961	Gateshead District Scout Council	Purchasing a grass cutter for Whickham Thorns outdoor activity centre	£5,000.00
FR-10969	The Soundroom Community Music Project	Refurbish the basement of the building into accessible space for community use	£4,404.00
FR-10908	Durham Wildlife Trust	Employing a contractor to build a boardwalk to access the wetland's site	£3,400.00
FR-10798	Bensham Grove Community Centre	Develop a Community Garden on the site adjacent to the Community Hall	£3,400.00
<b>Total</b>			<b>£35,704.00</b>

### 7.3 Projections for the Neighbourhood portion in 2021/22

For the financial year 2021/22 the following table shows the funds available for the Neighbourhood portion. The Community Foundation will publicise the funding opportunities in Wards where the CIL development is located, in early 2022 with decisions on funding applications made soon after. If funds are remaining, further publicity will be undertaken by the Community Foundation for applications in adjacent Wards and if funds are still remaining the rest of the Borough.

Development	Ward	Full Payment Instalment amount	Amount available as Neighbourhood Portion	Date payment due

<b>Taylor Wimpey</b> Ryton Development	Ryton, Crookhill and Stella	£505,104.81	£75,765.72	22 <sup>nd</sup> September 2021 - PAID
<b>Story Homes</b> Dunston Hill	Dunston Hill and Whickham East	£20,153.44	£3,023.02	10 <sup>th</sup> September 2021 - PAID
<b>Bellway</b> Ryton Development	Ryton, Crookhill and Stella	£180,774.78	£27,116.22	31 <sup>st</sup> December 2021
<b>Avant Homes</b> High Spen Development	Winlton and High Spen	£87,819.62	£13,172.94	29 <sup>th</sup> March 2022

**TITLE OF REPORT:** Enforcement Team Activity

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

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### 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 20.10.21 and ending 17.11.21 the enforcement team has received **54** new service requests.

Type of complaint	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
<b>PLANNING</b>	37	25	187	0
<b>HIGHWAYS</b>	9	6	93	0
<b>WASTE</b>	8	0	0	46
<b>TOTALS</b>	54	31	280	46

<b>COURT HEARINGS</b>
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The Enforcement Team attended no Court Hearings
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**REPORT TO PLANNING AND  
DEVELOPMENT COMMITTEE**  
**1st December 2021**

**TITLE OF REPORT:** Enforcement Action

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

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**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	<p>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.</p> <p>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</p>	11 January 2016	12 January 2016	15 February 2016	<p>14 March and 4 July 2016</p> <p>29<sup>th</sup> Sep 2018</p>	<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> <p>A revised notice was re-served, on the 4<sup>th</sup> August. The notice was not appealed. The site owners have until the 1<sup>st</sup> November to demolish the building and clear the land.</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	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

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
								The occupier of the site has appealed the notice to the planning inspectorate  The Appeal has been determined and the Notice has been upheld.
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	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.  The owner of the site has instructed a planning agent to deal with the notice on their behalf.  The notice has been withdrawn, officers are currently working with the owners and agent towards a mutual outcome.
11.	Dynamix Albany Road Gateshead	Bridges	Untidy Land	27 <sup>th</sup> August 2021	27 <sup>th</sup> August 2021	27 <sup>th</sup> September 2021	27 <sup>th</sup> November 2021	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 all waste be removed from the land, the mounds of rubble be removed to ground level and all the graffiti cleaned from the building.



## REPORT TO PLANNING AND DEVELOPMENT COMMITTEE 1 December 2021

**TITLE OF REPORT:** Planning Appeals

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

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### Purpose of the Report

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

### New Appeals

2. There have been **four** new appeals lodged since the last committee:

DC/21/00019/HHA - Hayfield House, 4 Whaggs Lane, Whickham  
Proposed ground floor extension to existing garage, new first floor extension above with associated roof works and construction of outbuildings, associated drainage and external works. Amended plans received 16/04/21.  
This is a pending application.

DC/21/00460/HHA - 3 Home Avenue, Low Fell  
Proposed two storey extension to side elevation, porch to front elevation and construction of detached garage/store within side garden.  
This was a committee decision refused on 12 August 2021

DC/21/00525/CPL – Hillcrest, Stannerford Road, Ryton  
**CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT:**  
Erection of two single-storey buildings within curtilage of existing dwelling to be used as games room and garden store.  
This was a delegated decision refused on 5 August 2021

DC/21/00732/FUL - Lands At & To The Rear: 21 & 23 Monkridge Gardens With Disused Pavilion & Hardstanding, Off Monkridge Gardens, Dunston Hill, Gateshead  
Proposed deletion of Conditions 5 and 6 (to remove footpath provision); and proposed variation of Condition 1 (approved plan suite); and Conditions 3 & 4 (materials); and Condition 9 (cycle storage); and Conditions 16 & 17 (bird & bat boxes) of extant application GMBC Ref: DC/20/01183/FUL approved: 9 April 2021 for "full planning permission for the erection of 9 dwellinghouses with front and back gardens and driveway parking; new shared-surface, vehicular and pedestrian access between Numbers 21 & 23 (both retained), visitor parking area and landscaped areas (as amended 08/03/21)." (Amended 25/08/21).  
This was a committee decision granted on 7 October 2021

### Appeal Decisions

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

DC/20/00898/ADV - Dutton Court, Chainbridge Road, Blaydon  
Upgrade of 2 no. existing 48 sheet adverts with "D-Posters" to display digital and illuminated advertisements.

This was a delegated decision refused/granted (split) on 18 March 2021

Appeal dismissed 19 October 2021

DC/21/00122/ADV - Site Adjacent Unit 1 Blaydon Industrial Park, Chainbridge Road, Blaydon

Replacement of two freestanding 48 sheet backlight panels and display of two digital 48 sheet LED screens on a monopole.

This was a delegated decision refused 6 April 2021

Appeal allowed 19 October 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

<b>Planning Application No</b>	<b>Appeal Site (Ward)</b>	<b>Subject</b>	<b>Appeal Type</b>	<b>Appeal Status</b>
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/20/00898/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 dismissed
DC/21/00019/HHA	Hayfield House 4 Whaggs Lane Whickham	Proposed ground floor extension to existing garage, new first floor extension above with associated roof works and construction of outbuildings, associated drainage and external works. Amended plans received 16/04/21.	Written	Appeal in progress
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 allowed
DC/21/00460/HHA	3 Home Avenue Low Fell Gateshead	Proposed two storey extension to side elevation, porch to front elevation and construction of detached garage/store within side garden.	Written	Appeal in progress
DC/21/00525/CPL	Hillcrest Stannerford Road	CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR	Written	Appeal in progress

	<b>Ryton</b>	<b>DEVELOPMENT: Erection of two single-storey buildings within curtilage of existing dwelling to be used as games room and garden store.</b>		
DC/21/00702/HHA	Maxton Church Drive Sheriff Hill Gateshead NE9 5RB	Conversion of loft space to form habitable room, with addition front and rear velux windows and a cottage dormer	Written	Appeal in progress
DC/21/00732/FUL	<b>Lands At &amp; To The Rear: 21 &amp; 23 Monkridge Gardens With Disused Pavilion &amp; Hardstanding Off Monkridge Gardens Dunston Hill Gateshead</b>	<b>Proposed deletion of Conditions 5 and 6 (to remove footpath provision); and proposed variation of Condition 1 (approved plan suite); and Conditions 3 &amp; 4 (materials); and Condition 9 (cycle storage); and Conditions 16 &amp; 17 (bird &amp; bat boxes) of extant application GMBC Ref: DC/20/01183/FUL approved: 9 April 2021 for "full planning permission for the erection of 9 dwellinghouses with front and back gardens and driveway parking; new shared-surface, vehicular and pedestrian access between Numbers 21 &amp; 23 (both retained), visitor parking area and landscaped areas (as amended 08/03/21)." (Amended 25/08/21).</b>	Written	Appeal in progress



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# Appeal Decision

Site Visit made on 8 October 2021

**by Mr R Walker BA HONS DIPTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 October 2021**

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**Appeal Ref: APP/H4505/H/21/3274690**

**Dutton Court, Chain Bridge Road, Blaydon NE21 5ST**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Wildstone Group Limited against the decision of Gateshead Metropolitan Borough Council.
  - The application Ref DC/20/00898/ADV, dated 18 September 2020, was refused by notice dated 18 March 2021.
  - The advertisement proposed is Upgrade of 2no. existing 48 sheet adverts with "D-Posters" which will display digital and illuminated advertisements.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The Council issued a split decision in which express advertisement consent was granted for the digital and illuminated advertisement display referred to as 'Sign D'. As such, and, for the avoidance of doubt, the appeal before me relates only to the proposed advertisement referred to as 'Sign C'.

## Main Issue

3. The main issue is the effect of the proposed advertisement on public safety.

## Reasons

4. Digital advertisements of the size and form proposed are commonly experienced in an urban transport network such as the A695 and the Planning Practice Guidance (the Guidance) recognises that they are not generally of an 'unusual nature'. Although the Guidance advises that they are generally unlikely to be a distraction to road users in normal driving conditions, it also advises that public safety could be affected where advertisements are located, for example, at junctions or where local conditions present traffic hazards.
5. The existing digital display on the other side of the road draws the eye more than the non-digital sign at the appeal site, due to the digital advertisement's brightness and rotating images. The introduction of another digital display would result in two sets of changing images within the same field of view to vehicles travelling east.
6. Even though the proposal would change its image every 10 seconds, thus reducing the risk of drivers seeing multiple images on the proposed display, there would be instances where passing motorists would observe the change in display at both the existing and proposed advertisement. Any change in image would draw the eye and encourage a motorist to look towards the display to

see the new advert and this would be compounded with two changeable displays clearly visible and prominent to approaching traffic.

7. At the proposed location the speed limit is 70mph and whilst many vehicles may travel slower, particularly when there is a high volume of traffic, vehicles were travelling at speed during my afternoon site visit, and I have no substantive evidence of the average speed levels along the road.
8. There are access points very close to the appeal site where vehicles enter and exit immediately onto the A695, and whilst there is good visibility, there is no acceleration or deceleration lane. As such, road users may need to react to vehicles entering or leaving the access points. There is not a history of high levels of accidents along this stretch of road and the road layout and junctions are not overly complicated, with good forward visibility along the road. However, when drivers are traveling at speed any small distraction could lead to a collision as vehicles manoeuvre. As such, the introduction of a second rotating digital display in the same field of view of oncoming traffic would increase the level of risk from such a distraction to an unacceptable level.
9. The existing advertisement is immediately adjacent to, and slightly forward of, a highways direction sign, signalling to motorists the approaching junction for an industrial estate and marina. The proposal would not obscure the sign and drivers do assimilate sensory inputs from multiple sources when driving. However, the greater prominence and changing display near this directional sign would draw motorist's attention away from reading it.
10. Although digital advertisements have been granted consent elsewhere along the road and in other similar transport networks around the country, I am required to consider the proposal on its merits. My concerns relate, not to the principle of digital advertisements, but to the specific local conditions on this highway where it would be seen in combination with another similar display.
11. Conditions have been suggested by the appellant which would control amongst other things, the luminance levels, the frequency of change of advertisements and measures to prevent flashing and moving images. However, the matters covered by the suggested conditions would not overcome my fundamental concern over the potential distraction caused by a further prominent changing advert visible to oncoming traffic.
12. As such, I conclude that the proposed digital advertisement display would prejudice public safety in the area. The Council has cited the National Planning Policy Framework and the Guidance in its reason for refusal and I have taken them into account as material considerations. However, the power to control advertisements under the regulations may be exercised only in the interests of public safety and amenity. Consequently, they have not, in themselves, been decisive in my determination.

## **Conclusion**

13. For the reasons given above, the appeal is dismissed

*Mr R Walker*

INSPECTOR

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# Appeal Decision

Site Visit made on 8 October 2021

**by Mr R Walker BA HONS DIPTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 October 2021**

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**Appeal Ref: APP/H4505/Z/21/3275567**

**Unit 1, Blaydon Industrial Park, Chainbridge Road, Blaydon-on-Tyne  
NE21 5ST**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Stranmere Limited against the decision of Gateshead Metropolitan Borough Council.
  - The application Ref DC/21/00122/ADV, dated 8 February 2021, was refused by notice dated 6 April 2021.
  - The advertisement proposed is Replacement of two freestanding 48 sheet backlight panels with two digital 48 sheet LED screens on a monopole.
- 

## Decision

1. The appeal is allowed and express consent is granted for the display of the Replacement of two freestanding 48 sheet backlight panels with two digital 48 sheet LED screens on a monopole as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:-
  - 1) The maximum level of illumination of the LED screens shall be no more than 300 cd/m<sup>2</sup> above ambient light levels at any time and shall not exceed 30 cd/m<sup>2</sup> during hours of darkness.
  - 2) The LED screens shall only display static images and shall not display any element of animation or moving images. Each piece of 'copy' shall be delivered without fading or gradual transition.
  - 3) The LED screens shall not be illuminated during the hours of 00:00-06:00.
  - 4) In the event that a screen is defective for any reason that screen must be programmed to go dark.

## Main Issue

2. The main issue is the effect of the proposed advertisement on public safety.

## Reasons

3. The appeal site is located adjacent to Chainbridge Road which runs parallel with the A695. Digital advertisements of the size and form proposed are commonly experienced in an urban transport network and the area around the appeal site includes many types of signs including digital LED screens. Consequently, having regard to the Planning Practice Guidance (the Guidance), they are not generally of an 'unusual nature' and unlikely to be a distraction to road users in normal driving conditions.

4. However, the Guidance also advises that public safety could be affected where advertisements are located, for example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge, level crossing or other places where local conditions present traffic hazards.
5. Along Chainbridge Road there are several access points near the appeal site. Even though the changing LED images would draw the eye more than the existing signs, forward visibility along the road is good and the traffic speed limit is 40mph. As such, vehicles are unlikely to be travelling at a high speed. Although some drivers visiting the commercial businesses may not be familiar with the area, the junctions have simple layouts with good visibility and the proposal would not impede views of any road signage.
6. Along the A695 the proposed screens would be visible to both east and west bound traffic. Travelling eastbound it would be in the periphery of the view, given its position on the southside of Chainbridge Road with the highway carriageway and the westbound carriageway of the A695 in between. In this context it would not be a prominent distraction to motorists approaching the slip road from the merging B6317.
7. From the industrial road junction on the northern side of the B6317 the proposal would also be visible. However, this would be viewed over the A695 carriageways and Chainbridge Road and would not be a prominent distraction at that distance. Moreover, it would not impede the clear views of traffic approaching along the B6317.
8. Travelling westbound along the A695, the speed limit is slower than eastbound, forward visibility is good and driving conditions appeared normal. In this context the proposal would not appear unusual in nature and there is no substantive evidence before me that the speed camera's function or objectives would be compromised.
9. The Council refers to a small number of accidents nearby in the past 5 years. However, given the volume of traffic passing by there is no firm link between these accidents and advertisements. Although the proposal would be of a greater prominence than the existing signs, drawing the above together, I am satisfied that the proposal would not have a detrimental impact on highway safety.
10. I therefore conclude that the proposal would not result in harm to public safety. The Council has cited the National Planning Policy Framework (the Framework) and the Guidance in its reason for refusal. Whilst I have taken them into account as material considerations, the power to control advertisements under the regulations may be exercised only in the interests of public safety and amenity. Consequently, they have not, in themselves, been decisive in my determination.

### **Conditions**

11. In addition to the 5 standard conditions, I have also imposed conditions as put forward by the appellant, to require a cut out in the event of malfunction, to ensure that images remain static and to control the level and hours of luminance. They are necessary to safeguard public safety and in the interests of visual amenity. Where necessary I have adjusted the wording of these conditions for preciseness.

**Conclusion**

12. In conclusion, the proposal would not have a harmful effect on public safety. As such, and for the reasons given above, the appeal is allowed, subject to the conditions specified.

*Mr R Walker*

INSPECTOR

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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

1 December 2021

TITLE OF REPORT: Planning Obligations

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

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**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 1 December 2021.

**Recommendations**

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

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Contact: Emma Lucas Ext: 3747

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**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