

Item No: 5.3
Application No: 16/00891/FUL Author: Maxine Ingram
Date valid: 13 June 2016 ☎: 0191 643 6322
Target: 8 August 2016 Ward: Killingworth
decision date:

Application type: full planning application

Location: Entrance to Miller Close, in between 12 and 14, Palmersville, NEWCASTLE UPON TYNE

Proposal: Erection of fence to block existing emergency access point

Applicant: Mr David Gill, 20 Miller Close Palmersville NEWCASTLE UPON TYNE NE12 9ER

Agent: Mr Chris Hall, 18 Miller Close Palmersville NEWCASTLE UPON TYNE NE12 9ER

RECOMMENDATION: Application Refused

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 The main issues in this case are:

The impact of closing the emergency access, upon pedestrian/cycle permeability and access for emergency vehicles; and

Other issues.

2.0 Description of the Site

2.1 The site to which the application relates is an existing emergency vehicle and pedestrian access point sited between the adjacent public highway, Whitley Road and the cul-de-sac within the new residential estate.

3.0 Description of the Proposed Development

3.1 The development proposed is to erect a fence to block off the existing emergency vehicle and pedestrian access point.

3.2 Supporting information

3.3 Five letters of support have been submitted with the planning application. The content of these letters are summarised below:

- People using the entrance as a walk through to Asda/McDonalds and using our street to drop their litter.
- Litter ends up in gardens, including broken beer bottles and dog waste.
- Youths causing disturbance, such as throwing stones at cars, conservatories, kicking fences and wheelie bins, walking over gardens and banging against front doors, sexual acts. Foul language and noise around my children's bedtime.
- Climbing on the mound next to our house and throwing mud onto cars and gardens.
- The Police have been contacted on many occasions.
- Concerned about the safety of our children, we would like them to be able to play in the street without worrying about youths disturbing them or access to a busy road.
- We have also been made aware of a plan to widen Whitley Road. This will cause more traffic and safety issues.
- Prior to the fence being removed there were no problems.
- All the problems have occurred since the fence has been removed.
- The fact that the residents were aware of the emergency exit is not a question, but no one could have foreseen the problems that this has created.
- Antisocial behaviour. Police have been called and did apprehend one offender. However, this has not stopped people causing the problems.
- Nos. 14, 15, 16, 17 and 18 Miller Close are the most affected as they border the main route in and out of the emergency exit directly from Whitley Road and have a built up area (bund) behind their houses. This was made to hide the electricity sub station but has created unwanted attraction for the hooligans, who run across the top. The residents who border this do not have any privacy.
- Shrubs are being damaged and removed.
- When all the other houses are built, approximately 600, we will get everybody cutting through as a short cut to the Metro.
- Holystone village has a lots of safety aspects and it is not even a quarter busy as Whitley Road (A191). Why?
- Our house (No. 12) is at the end of the cul-de-sac and since moving into the house in October 2013 this has presented us with a number of issues. Almost three years down the line, these problems have become apparent.
- I am extremely reluctant to pay a yearly fee for the upkeep of our estate when litter from people passing through is an issue.
- Whitley Road is to be widened. This road is already dangerous, with many people ignoring the 30mph speed limit. To increase traffic will compound this problem.
- I have witnessed a lone female being verbally abused by a group of four teenagers. Until the Police were called I noticed the vulnerable position she was in. I went to discuss what was happening and the youths were totally unperturbed by our presence and continued with an intimidating stance.
- To date, I have only had limited interaction with North Tyneside Council, on several occasions last year I made contact to raise an issue with respect to the

footpath between the entrance to Miller Close and the Metro station at Palmersville, it is so uneven it represents a hazard. I have not had any feedback on this.

- This has caused great financial pressure on some residents as fences have had to be replaced and cars have been damaged.

- Ruins the aesthetic of the estate and affect house prices.

- Northumbria Police have more important things to do than remove unnecessary louts. If this access point was closed, they would not be there.

- When the estate was first built, the current pedestrian access route was closed off by a fence. During this time, pedestrians walked along Great Lime Road, past the Wheatsheaf pub on the corner and down Whitley Road to Asda. This route was more than acceptable; in fact the difference between the current route and the route that bypasses the estate is actually 90m. This alternative route is safer than walking through the estate.

- The argument that the access is required from emergency vehicles is ridiculous. The likelihood that an emergency would occur in the estate at a time when the main entrance is completely blocked off due to what could only be a separate catastrophic emergency, is virtually nil.

- If Whitley Road is dualled as planned in the next five years, there would be barriers at the side of the road which emergency vehicles could not pass even in these unlikely circumstances.

- The argument that new estates must have two access points is unprecedented. Darsley Green and Earsdon View, both Taylor Wimpey estates built more recently than Lime Gardens, have only one access route.

3.4 A petition in support of the planning application has been submitted. This petition has been signed by 50 properties on this estate.

- Vastly increased litter.

- Degradation of landscaped areas, due to people walking on lawns, planted hills etc.

- Loss of privacy, due to people walking on planted hills and through front gardens.

- Anti-social behaviour, including vandalism arising from young people throwing rocks and litter at houses, cars and fences.

- Fear of crime, leading to resident anxiety.

- Families are unwilling to let young children play in the street due to fear of strangers.

- Police time and money wasted by dealing with anti-social behaviour.

3.5 We should feel safe in our own homes, and able to enjoy the estate that we have worked so hard to live in. In order to achieve this, the Council should install a strong fence across the current gap, with immediate effect.

4.0 Relevant Planning History

11/01307/OUT - Outline application for regeneration of derelict Industrial site (4.09ha) for sustainable residential scheme (up to 120 units) including creation of amenity open space, site landscaping, car parking and access arrangements (including details of proposed access) (Re-submission) – Permitted 13.03.2012

12/00468/REM - Approval of Reserved Matters; Layout, scale, appearance and landscaping for 99 residential units and associated works (Linked to outline planning permission 11/01307/OUT) (Amended Plans received 04.05.12) – Permitted 31.05.2012

5.0 Development Plan

5.1 North Tyneside Unitary Development Plan (adopted March 2002)
Direction from Secretary of State under Paragraph 1(3) of Schedule 8 of Town and Country Planning and Compulsory Purchase Act 2004 in respect of policies in the North Tyneside UDP (August 2007)

6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (March 2012)

6.2 National Planning Practice Guidance (NPPG) (As amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issues in this case are:

The impact of closing the emergency access, upon pedestrian/cycle permeability and access for emergency vehicles; and

Other issues.

7.2 Consultation responses and representation received as a result of the publicity given to this application are set out in the appendix to this report.

8.0 The impact of closing the emergency access, upon pedestrian/cycle permeability and access for emergency vehicles.

8.1 National Planning Policy Framework (NPPF) states that the Government attaches great importance to the design of the built environment. Paragraph 56 of

the NPPF states “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

8.2 DCPS No. 14 ‘New Housing Estates – Design and Layout’ sets out the material planning criteria to be taken into account when considering individual proposals. Amongst other matters this includes: the proximity of local shops, amenities and employment opportunities and the need for cycling and footpath links.

An outline planning application for this estate was granted in 2012 with a reserved matters application granted later that year. The vehicle access to this residential estate is via Great Lime Road with a bollard controlled emergency access via Whitley Road. This emergency access also provides a route for pedestrians to public transport and local services, including the nearby supermarket. It is noted that the applicant has identified residential estates which do not benefit from an emergency access; however there may be other pedestrian/cycle links within the estate layout. Members are advised that each application must be assessed on its own merits. However, it is not uncommon that emergency and/or pedestrian access points to be encouraged wherever possible. A comparable site is considered to be Forest Gate which includes such an emergency/access point.

8.3 Planning application, 12/00468/REM, considered the layout of this residential estate. The recommendation report, presented at Planning Committee, advised that:

“The Council’s Building for Life Officer has commented that the scheme has scored 17.5 out of 20 which is “very good” and there have been many positive changes made through the process to achieve this. Specifically he states the scheme has good linkages into the existing area and is in a sustainable location with a range of transport links. The house types have been carefully designed to address the public realm and arranged to provide natural surveillance and interesting streetscapes.”

8.4 This report (Ref: 12/00468/REM) then went on to advise that:

“The applicant has agreed to provide an emergency access point to the site and should the need arise to use it. This is located between plots 12 and 13 and will be accessed off the A191 Whitley Road.”

“The site is located adjacent to Palmersville Metro Station and has a pedestrian access in the north western corner of the site. This will allow pedestrians and cyclists to access Great Lime Road, Palmersville Metro Station and North

Tyneside Industrial Estate. As stated above the additional pedestrian access is located in the southeast corner of the site. This will allow access to Whitley Road and Asda supermarket.”

8.5 It is noted, that prior to the opening of the emergency/pedestrian access, pedestrians would have to use the alternative routes either through the industrial estate or around the Wheatsheaf Public House (PH). The applicant has advised that the route around the Wheatsheat PH is 90m longer. However, it is considered that the closure of this access point would prevent the access of emergency vehicles, if the need arises, and would be inconvenient to pedestrian users of the highway. It would also discourage walking short distances and potentially increase car usage.

8.6 Members need to consider whether the closure of this access point would prevent the access of emergency vehicles and affect pedestrian permeability. It is officer advice that it would.

9.0 Other Issues

9.1 Anti-social behaviour

9.2 Paragraphs 58 and 69 of the NPPF make reference to the fact that the planning system can play an important role in facilitating social interaction....Planning policies and decisions, in turn, should aim to achieve places which promote: safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community; and safe and accessible developments, containing clear and legible pedestrian routes, and high quality public open space, which encourage the active and continued use of public areas.

9.3 DCPS No. 3 'Crime Prevention' sets out the material planning criteria to be taken into account when considering individual proposals. Amongst other matters this includes: provide natural surveillance and design of footpaths to avoid the creation of 'narrow alleyways'.

9.4 The supporting information advises that since the opening of this emergency access anti-social behaviour has increased.

9.5 Members need to determine whether the increase in anti-social behaviour is decisive and whether this would outweigh the harm caused by the closure of this access to pedestrians. It is officer advice that this does not outweigh the harm that would be caused by the closure of this existing emergency vehicle and pedestrian access.

9.6 Design

9.7 One of the main aims of the Council is to promote good design. LDD 11 'Design Quality' SPD sets out design principles. Policy H11 of the UDP seeks to ensure a high standard of design for residential developments. Boundary treatments should be carefully considered and should not detract from the public realm.

9.8 The proposed development would result in an approximately 1.8m high fence being erected. The length of this proposed fence would be approximately 11.6m. It would be positioned between an existing timber fence of the same height and mature vegetation. The proposed fencing would be set back from the adjacent public highway.

9.9 Members need to consider whether the proposed development would result in an acceptable visual impact. It is officer advice, that due to the siting of the proposed fencing, it would not result in significant visual intrusion or detract from the public realm.

9.10 The Contaminated Land Officer has been consulted. She has raised no objections.

9.11 The Manager for Environmental has been consulted. She has raised no objections.

10.0 Financial Considerations

10.1 There are three threads of sustainability outlined in NPPF, these being the environment, economic and social threads, together with the policies in the NPPF as a whole.

13.29 Economically there would be benefits in terms of the provision of jobs associated with the construction of the fence.

11.0 Conclusion

11.1 Members need to determine whether the proposed development is acceptable. It is officer advice that the loss of this emergency/pedestrian access is unacceptable.

RECOMMENDATION: Application Refused Conditions/Reasons

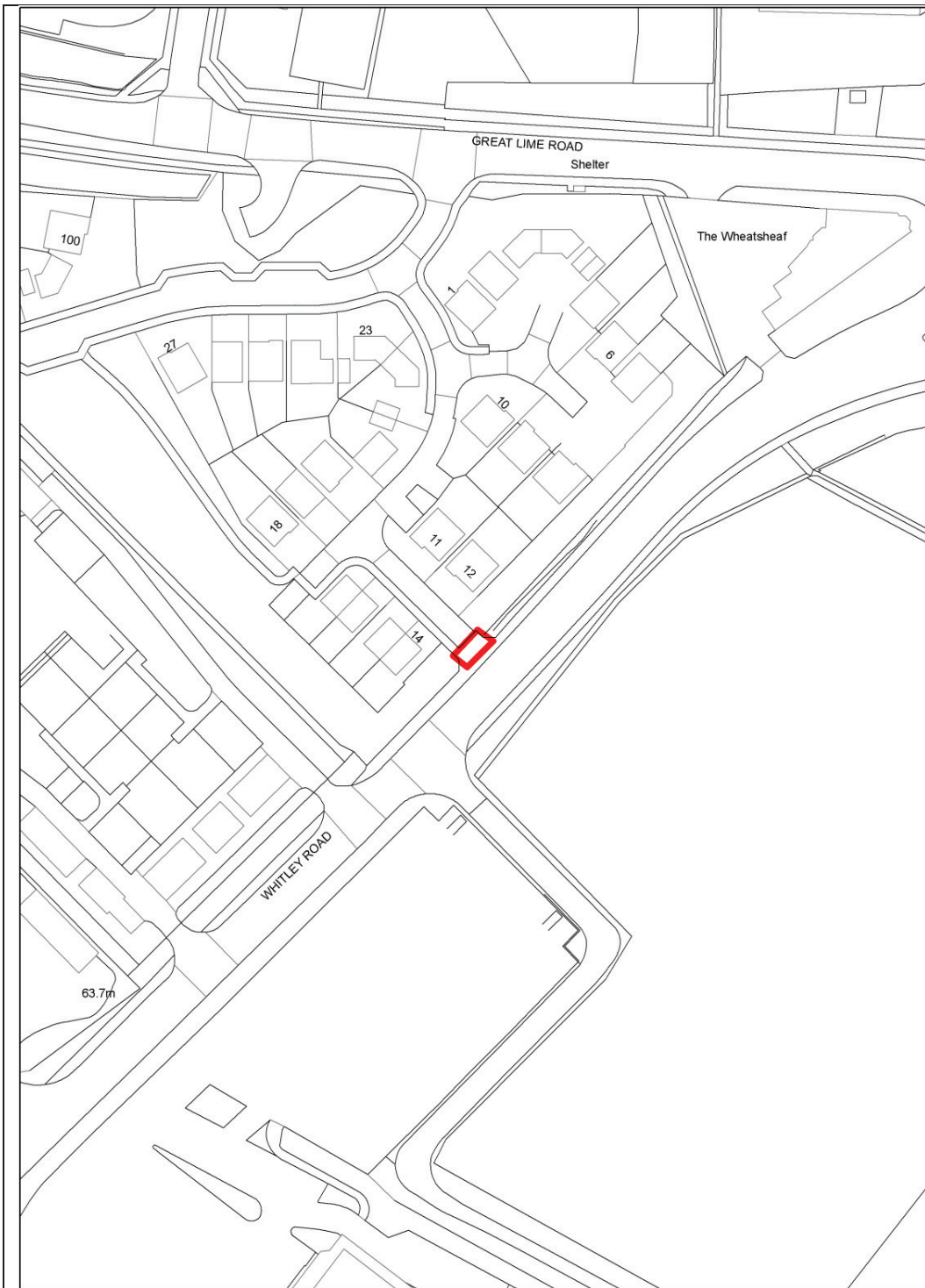
1. The proposal removes an emergency access point from and to the development leaving only one point of entry into the residential estate. This would be to the detriment of the safety of residents and visitors during an emergency.

Reason: To the detriment of highway safety having regard to DCPS No. 14.

2. The loss of the emergency/pedestrian access would cause an inconvenience to pedestrians, discourage walking and increase the likelihood of car borne trips for short distance journeys. As such the loss of this pedestrian link would be contrary to advice in NPPF and local planning policy DCPS No. 14 of the North Tyneside Council Unitary Development Plan (2002).

Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was not therefore possible to approve the application. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.



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Location: Entrance To , Miller Close , Inbetween 12 And 14, Palmersville

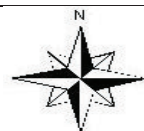
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Not to scale

Date: 21.07.2016

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Appendix 1 – 16/00891/FUL
Item 3

Consultations/representations

1.0 Councillors

1.1 Councillor Gary Bell has requested speaking rights.

2.0 Internal Consultees

2.1 Highways Network Manager

2.2 This application is for the erection of a fence to block the existing emergency access point. Outline permission for the estate was granted in 2012 with reserved matters being granted later that year. The vehicle access to the development is via from Great Lime Road with a bollard-controlled emergency access via Whitley Road. As well as being an access that could be used in emergencies, this location provides a route for pedestrians to public transport and local services such as the nearby supermarket. Such emergency/pedestrian access points are not uncommon and are encouraged wherever possible such as at the nearby site at Forest Gate.

2.3 It is considered that the closure of this access point would prevent the access of emergency vehicles if the need arises and would be inconvenient to pedestrian users of the highway and would also discourage walking short distances and potentially increase car usage and for these reasons refusal is recommended.

2.4 Recommendation - Refusal

2.5 Reasons:

The proposal removes an emergency access point from the development to the detriment of safety of residents and visitors during an emergency.

The proposal inconveniences pedestrians and reduces pedestrian connectivity to public transport and local services and increases the likelihood of car borne trips for short distance journeys.

2.6 Contaminated Land Officer

2.7 No objection.

2.8 Manager for Environmental Health

2.9 No objection.

3.0 Representations

3.1 Two letters of support have been received. These are summarised below:

- Anti social behaviour: litter, throwing stones into gardens, safety of children, groups of youths, scooters and motor cycles taking a short cut which is dangerous.
- Damage to property and vehicles, resulting in increased insurance premiums.
- Loss of privacy.
- Nuisance: disturbance and noise.
- Large numbers of people passing through the estate, especially late at night.

4.0 External Consultees

4.1 None