

Item No: 5.3
Application No: 16/01803/FUL Author: Maxine Ingram
Date valid: 16 November 2016 ☎: 0191 643 6322
Target decision date: 11 January 2017 Ward: Weetslade

Application type: full planning application

Location: Land North And South Of, Dudley Peoples Centre, Weetslade Road, Dudley, NORTHUMBERLAND

Proposal: Change of use of land to provide amenity space for plots 1 to 4 and 11 in association with planning approval 15/00949/FUL

Applicant: Tantallon Homes Ltd., Land North And South Of Dudley Peoples Centre Weetslade Road Dudley NORTHUMBERLAND NE23 7HT

Agent: Nicholson Nairn Architects, FAO Mr Peter Nicholson Bishops Court Rectory Lane Whickham NE16 4PA Tyne And Wear

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 The main issues for this proposal are:

-The principle of the development; including the impact on the character and appearance of the area and accessibility.

1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and also take into account any other material considerations in reaching their decision.

2.0 Description of the site

2.1 The site to which the application relates is the Former Dudley People's Centre located in the centre of Dudley. Since the determination of planning application 15/00949/FUL the former building has been demolished and works have commenced on the construction of the approved residential dwellings.

2.2 A public footpath is located to the north and west of the previously approved residential development. Pedestrian access to the site from Southfields is located to the east of the previously approved residential development. This pedestrian access will be retained to allow access through the site from Southfields.

3.0 Description of the Proposal

3.1 Planning permission is sought for a change of use of land to provide amenity space for the previously approved plots 1 to 4 and 11 under planning approval 15/00949/FUL.

3.2 The proposed development would extend the front garden areas of plots 1 to 4 onto an area of existing pavement. These extended garden areas would be enclosed by approximately a 0.6m high timber fence and planting.

3.3 The proposed development would extend the rear garden of plot 11 onto part of an area of existing hardstand, grass and footpath. This existing footpath provides access from Southfields through the approved residential development. This garden area would be enclosed by approximately 1.8m high close boarded timber fencing.

4.0 Relevant Planning History

09/01547/FUL - Demolition of Former People's Centre. Erection of a 60 bed 2 storey nursing care home with associated car parking and landscaping (Amended plan -revised car parking layout and landscaping) – Refused 06.10.2009

10/00140/FUL - Demolition of the Former Dudley Centre and erection of a 48 bed, 2 storey nursing care home with associated car parking and landscaping (Re-submission) – Permitted 10.03.2010

13/00263/EXTN - Extension of time limit for implementation of planning consent
10/00140/FUL - Demolition of the Former Dudley Centre and erection of a 48 bed, 2 storey nursing care home with associated car parking and landscaping – Refused 13.05.2013

13/01911/DEMGDO - Demolition of former Dudley Peoples Centre – Permitted 17.12.2013

15/00949/FUL - Proposed residential development of 14 no. dwellings - Permitted 22.01.2016

16/00864/FUL - Variation of condition 1 (approved plans) of planning approval 15/00949/FUL - addition of porch to each dwelling, variations to window positions

to suit revised internal layout and minor variations to proposed site layout –
Permitted 15.08.2016

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.

6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (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 National Planning Policy Framework is a material consideration in the determination of this planning application. It requires local planning authorities to apply a presumption in favour of sustainable development.

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issues in this case are:

-The principle of the development; including the impact on the character and appearance of the area and accessibility.

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

8.0 Principle of the development

8.1 The National Planning Policy Framework states that 'Good design is a key aspect of sustainable development and that permission should be refused for development of poor design. Good design is indivisible from good planning, and should contribute positively to making places better for people'.

8.2 Policy H11 Design Standards of the North Tyneside UDP seeks to ensure a high standard of design for residential development, including extensions and alterations taking into account, scale, massing, landscaping and the impact of the proposal on its site, local amenity, the environment and adjoining land uses.

8.3 Policy R2/4 seeks to resist development on small areas of open space that merit protection because of their contribution to local amenity.

8.4 DCPS No.6 Landscape and Environmental Improvements sets out criteria when considering proposals including amongst other things the effect of a proposal on the character and visual amenity of an area and the way in which it is integrated into the neighbourhood.

8.5 LDD11 'Design Quality' applies to all planning applications that involve building works. It states 'Boundaries are particularly important to the front of properties and should be clearly defined, using appropriate boundary markers, such as gates and gateways, hedges, fences and walls. As a general rule, low walls and/or metal railings are more appropriate in more urban areas along higher level streets, while soft planting, hedging and picket fencing is more appropriate in lower density areas which have a more rural character'.

8.6 It further states that 'Care should be taken to limit the need for long sections of new walls or high close boarded fences, especially where these bound public areas' and 'Where new boundary walls/fences are required, their design should match those used elsewhere locally and in particular comprise of materials and detailing which relate to the context of the site. Boundary treatments should not obstruct visibility to pedestrians or traffic.'

8.7 The proposed change of use to the land to the north west of plots 1 to 4 would extend the previously approved front gardens into an area of existing footpath. Members are advised that this part of the development would result in the loss of part of the existing footpath. As the remaining part of the public footpath would be retained outside the application site, it is the view of officers that this part of the development would not restrict pedestrian movement along Market Street and Weetslade Road or remove a usable amount of informal open space.

8.8 The extended front garden areas, to plots 1 to 4, would be enclosed by a low level boundary treatment, approximately 0.6m high timber fencing with planting behind. The height of this boundary treatment would not obstruct visibility to pedestrians or traffic. It is also the view of officers that the height of the proposed development would maintain openness to the north west corner of the previously approved residential development and create a softer visual appearance when viewed from the surrounding public domain.

8.9 The proposed change of use to the land to the south east corner of plot 11 would extend the previously approved rear garden area into an existing area of hardstand, grass and public footpath. Members are advised that whilst this part of the development would result in the loss of part of this existing pedestrian access; access through the site from Southfields would still be retained. The width of the remaining footpath would measure approximately 1.2m. Therefore,

this part of the development would not restrict pedestrian movement through the site from Southfields or remove a usable amount of informal open space.

8.10 The extended rear garden area to plot 11 would be enclosed by approximately 1.8m high timber fencing. It is noted that the existing pedestrian access route is relatively open as the front garden areas of Nos. 15 and 17 Southfields are enclosed by low level railings. Their rear gardens are enclosed by approximately 1.8m high timber fencing, however this existing fencing is sited away from the public footpath. This part of the proposed development would reduce the openness of this existing footpath nearest to entering the new residential development for a stretch of approximately 10.8m. This reduction in openness is considered to be acceptable, subject to a condition securing an appropriate boundary treatment.

8.11 The Manager for Environmental Health has been consulted. She has advised that the noise assessment for the original planning application 15/00949/FUL confirmed that external noise arising from the road would exceed the guidance noise levels specified by the World Health Organisation for outdoor space. Members are advised that plots 1 to 4 have garden areas to the rear of the property. The extended front gardens would not be the main garden areas for these properties. Therefore, it is not necessary for the extended front garden areas to be enclosed by 1.8m high acoustic fencing to screen them road traffic noise.

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

8.13 Due to the siting of the proposed development, in relation to existing residential properties, it is the view of officers that it would not affect their residential amenity.

8.14 The Highways Network Manager has been consulted. He has raised no objections to the proposed development.

9.0 Conclusion

9.1 Members need to determine whether the proposed development is acceptable in terms of its impact on the character and appearance of the area, including the types of boundary treatments proposed, and accessibility for existing and future residents. It is the view of officers that the proposed development is acceptable in terms of its impact on the character and appearance of the area and it would not restrict pedestrian movements around the site or through the site. As such officers consider that the proposed development accords with both national and local planning policy.

RECOMMENDATION: Application Permitted

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:

-Application form

-Ordnance Survey plan (1:1250)

-Proposed site plan Dwg No. 20710-3100 Rev 6

Reason: To ensure that the development as carried out does not vary from the approved plans.

2. Standard Time Limit 3 Years FUL MAN02 *

3. Notwithstanding Condition 1, prior to the development hereby approved being brought into use details of all screen and boundary walls, fences and any other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented.

Reason: To ensure that the proposed development does not adversely effect the privacy and visual amenities at present enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

4. Notwithstanding Condition 1, prior to the operation of any part of the development hereby approved, the applicant shall undertake all necessary procedures required under Section 247/257 of the Town and Country Planning Act 1990 to secure the following;

- Stop up the adopted highway within the site that is no longer required.

Reason: In the interests of highway safety in accordance with policy H11 of the North Tyneside Unitary Development Plan 2002.

5. Contaminated Land Investigation Housing CON01 *

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

Informatives

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

Coal Mining Standing Advice (FUL,OUT) (I44)

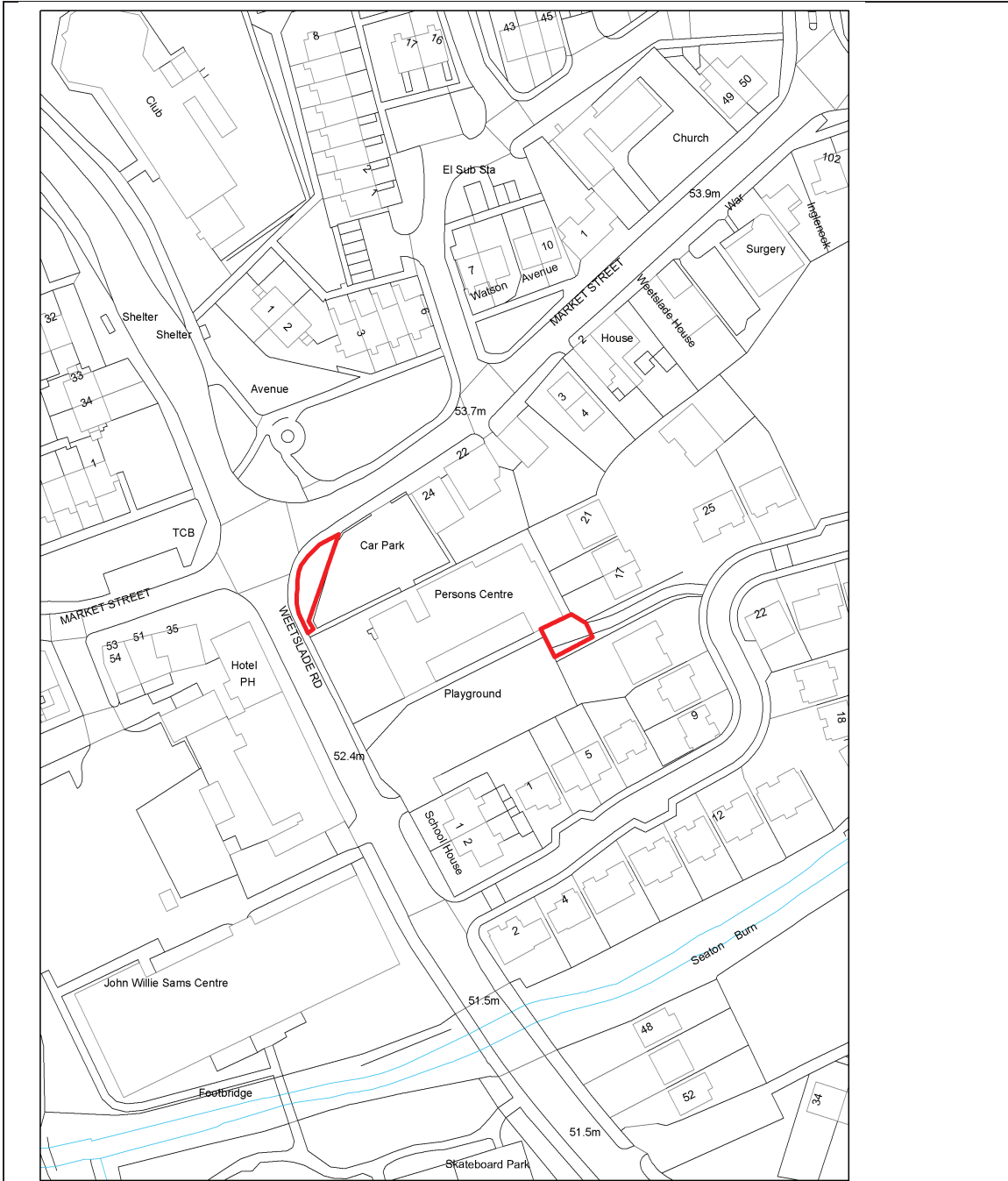
Contact ERH Construct Highway Access (I05)

Contact ERH Path Bridleway Xs Site (I07)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Highway Inspection before dvlpt (I46)



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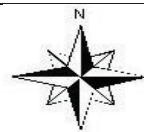
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Not to scale

Date: 21.12.2016

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Appendix 1 – 16/01803/FUL

Item 3

Consultations/representations

1.0 Ward Councillors

1.1 Ward Councillor Muriel Green has requested that this application is to be presented at Planning Committee. She has spoken to several residents about the development and they are not in favour of reduced space in front of the new houses. These views are on the basis that, it is outside the footprint of the original plan, therefore not brownfield and they believe it would not allow comfortable space for pedestrians near a very busy corner next to a roundabout.

2.0 Internal Consultees

2.1 Highways Network Manager

2.2 This application is for a change of use of land to provide amenity space for plots 1 to 4 and 11 in association with planning approval 15/00949/FUL. The site layout remains otherwise unchanged and the footpath link between numbers 15 and 17 Southfields is retained. The area in front of plots 1 to 4 forms part of the adopted highway and as such will require stopping up under Section 257 of the Town and Country Planning Act 1990. Approval is recommended and all previous conditions and informatives apply.

2.3 Recommendation - approval

2.4 The applicant will be required to stop up the highway within the proposed amenity space under Section 247/257 of the Town and Country Planning Act 1990.

2.5 Contaminated Land Officer

2.6 There is no objection in principle to the application. The proposal involves a change of use to form new amenity space for an approved development 15/00949/FUL. As this amenity space represents a sensitive end-use soil testing is required to test the impact of any in-situ or imported soil upon human health.

2.7 CON 01

2.8 Manager for Environmental Health

2.9 I have reviewed the site plan detailing the amenity space for plots 1 to 4. The noise assessment for the original planning application 15/00949/FUL confirmed that external noise arising from the road would exceed the guidance noise levels specified by the World Health Organisation for outdoor space. However, I note that the plots will have gardens located to the rear of the property. If the main

gardens are those to the rear of the property and not the amenity space to the front then I would have no objection to this application. However, if the front gardens are the main amenity space for the plots then 1.8m high acoustic fencing would be required to screen the garden areas from the road traffic noise.

3.0 Representations

3.1 None

4.0 External Consultees

4.1 None