

Item No: 5.3
Application No: 17/00328/FUL Author: Maxine Ingram
Date valid: 1 March 2017 ☎: 0191 643 6322
Target decision date: 26 April 2017 Ward: Weetslade

Application type: full planning application

**Location: Dudley Peoples Centre, Weetslade Road, Dudley,
NORTHUMBERLAND, NE23 7HT**

**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.
(Resubmission)**

Applicant: Tantallon Homes Ltd., FAO Mr Craig McClen 79 High Street Gosforth
Newcastle Upon Tyne NE3 4AA

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

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 additional 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.

3.4 Members are advised that the same proposal was refused in January 2017 for the following reason:

The proposed change of use to provide additional amenity space for plots 1 to 4 and plot 11 would be out of keeping with the character and appearance of the area and have a detrimental impact on pedestrian safety, contrary to H11 of the North Tyneside Unitary Development Plan and LDD 11 'Design Quality'.

3.5 The applicant has provided the following additional information on the detailed site layout to try and overcome the above reason for refusal:

- Typical pram and wheelchair dimensions to demonstrate that the remaining footpath could accommodate these without conflicting with existing street furniture such as the lamp columns and guardrails.
- Identified the location of the street lamp and pinch point areas.
- Indicative footpath width of 2.4m and existing footpath widths.

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

16/01803/FUL - Change of use of land to provide amenity space for plots 1 to 4 and 11 in association with planning approval 15/00949/FUL – Refused 10.01.2017

17/00079/FUL - Variation of condition of application 16/00864/FUL - omission of dormer window to the front elevations and replacement with rooflights, omission of rooflights to the rear elevations and replacement with dormer window to Plots 1-10 (Amended description 1.2.17) (Revised plans received 6.2.17) – Pending consideration

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 objections raised mainly relate to restricting pedestrian movement and the loss of an area of usable footpath.

8.8 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. The applicant has submitted a detailed site layout which identifies existing lamp columns, footpath widths and measurements of wheelchairs and push chairs.

8.9 The existing footpath to the front of Plot 5 is approximately 2.4m. However, this footpath width, in parts, is reduced to approximately 2m due to the existing guardrail. The applicant has therefore used a minimum footpath width of 2.4m, with the proposed 0.6m high picket fence forming the defined garden area of Plots 1 to 4 placed behind this line. The existing lamp post outside Plot 4 is set back approximately 2.4m from the kerb line; therefore this does not restrict the footpath width. At the footpaths widest point, the path is approximately 3.1m wide. The 'pinch point' occurs at the existing sign post outside Plot 1 which is set approximately 1.37m from the kerb line. The applicant has advised that a typical double pushchair is approximately 0.95m wide and a typical wheelchair is 0.8m maximum. In order to ensure a wheelchair and push chair can pass each other, a distance of 0.96m has been allowed between the sign post and the proposed

fence. The applicant has advised that the proposed footpath width is greater than surrounding footpaths which are typically around 2m wide.

8.10 Members need to determine whether this additional information adequately addresses the previous reason for refusal in terms of pedestrian movement. It is the view of officers that the loss of part of the existing footpath would not restrict pedestrian movement along Market Street and Weetslade Road or remove a usable amount of informal open space. It is also the view of officers, that the height of the boundary treatment to enclose the garden areas to plots 1 to 4 would not obstruct visibility to pedestrians or traffic.

8.11 Members are advised that the design of the proposed development has not been altered. 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. Members need to determine whether the loss of part of the existing footpath to be used for private amenity space is acceptable. It is the view of officers that the height of the proposed boundary treatment would maintain openness and create a softer visual appearance through the use of landscaping.

8.12 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 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.

8.13 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.

8.14 The Highways Network Manager has been consulted. He has raised no objections to the proposed development. He has also advised that the area in front of plots 1 to 4 forms part of the adopted highway and as such will require stopping up under Section 247/257 of the Town and Country Planning Act 1990.

8.15 The Manager for Environmental Health advised under the previously refused application 16/01803/FUL 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.

8.16 No objections have been received from the Council's Ecology Officer, Contaminated Land Officer or Lead Local Flood Authority.

8.17 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.

9.0 Local Financial Considerations

9.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy. It is not considered that the proposal results in any local financial considerations.

10.0 Conclusion

10.1 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) Dwg No. 20710- OS Revision B

- Proposed site plan Dwg No. 20710-3100 Revision 10

- Proposed detailed site layout Dwg No. 20710-3101

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 garden areas hereby approved shall not be brought into use until these agreed 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 *

6. Notwithstanding Condition 1, prior to the installation of the southern boundary to Plot 11 the footpath link from Southfields (identified on Dwg No. 20710-3100 Rev 10) shall be tarmaced and retained thereafter.

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

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)

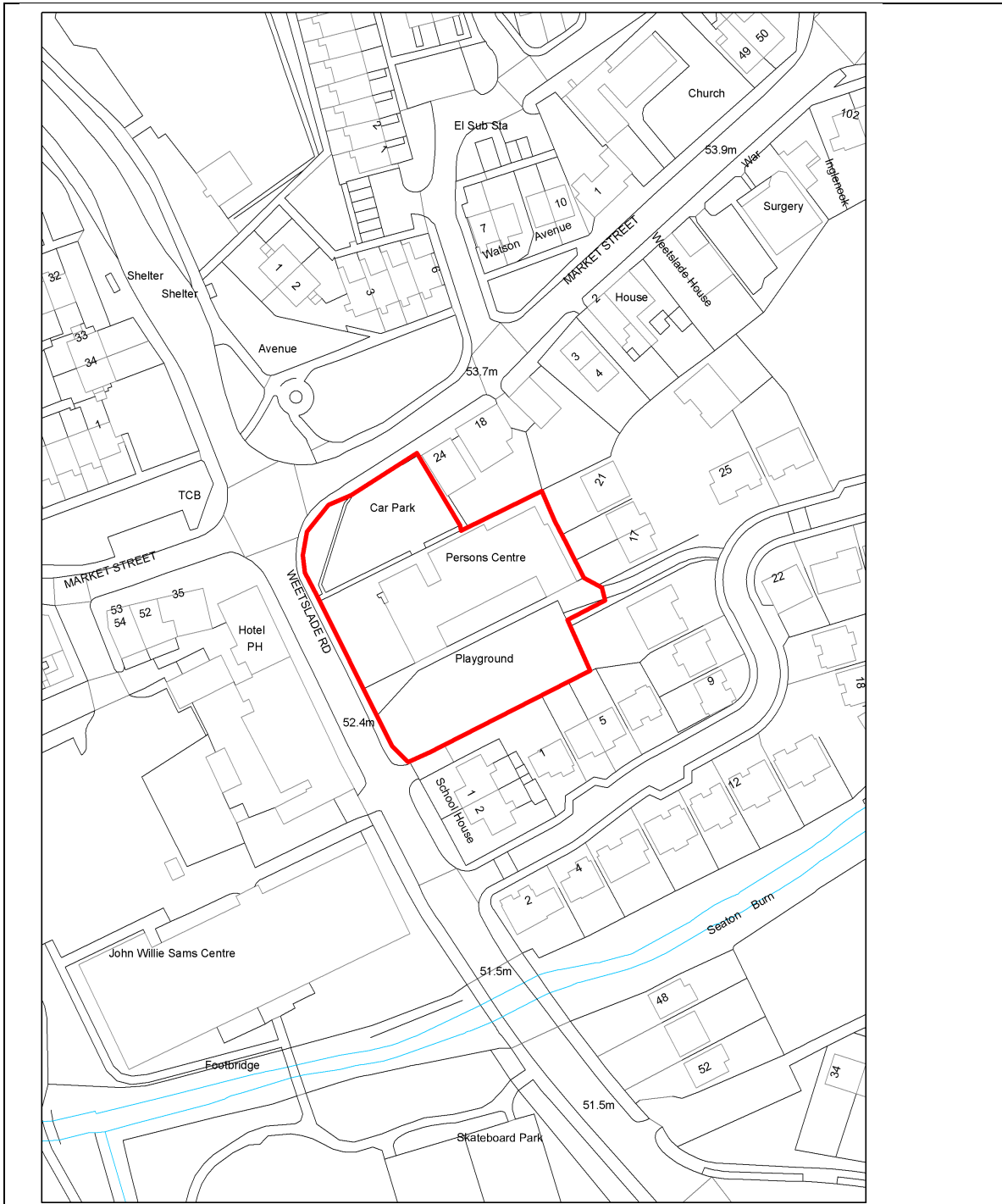
Contact ERH Construct Highway Access (I05)

Contact ERH Path Bridleway Xs Site (I07)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

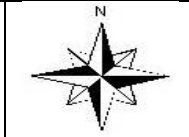
Highway Inspection before dvlpt (I46)



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Not to scale
 Date: 12.04.2017

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Appendix 1 – 17/00328/FUL

Item 3

Consultations/representations

1.0 Ward Councillor

1.1 Councillor Joanne Cassidy objects to the planning application on the following grounds:

- Out of keeping with surroundings.
- Poor traffic/pedestrian safety.
- Will result in visual intrusion.
- It would lead to people finding sight lines on the corner when driving potentially difficult.
- I am concerned about public safety on that corner, where young families would be exposed to the road and may not provide sufficient space for a double buggy or mobility scooter.

1.2 Councillor Anthony McMullen objects to the planning application on the following grounds:

- Loss of visual amenity.
- Out of keeping with surroundings.
- Poor traffic/pedestrian safety.
- The provision of amenity space onto these properties could lead to visual intrusion on a sensitive bend. Therefore, causing a traffic problem as people may not be able to see left from Market Street should someone place items in that amenity space that will be an unregulated space.
- My further concern as this absorption of what is seen as the public footpath will cause people to be closer to the road and will leave the footpath of insufficient space to allow wheelchairs and buggies past along with any street furniture (such as road signs) that will have to be moved.

1.3 Councillor John Harrison objects to the planning application on the following grounds:

- As I have previously stated I am opposed to any encroachment onto or reduction of the pathway at this busy junction.
- My understanding is the developer is wanting to push out his building line onto the pathway.
- It would mean a loss of a wide path at a busy corner of the village (pedestrian and vehicles) thus pushing the pedestrians closer towards the traffic. This makes it less safe for pedestrians and more difficult for them to cross Market Street.
- Whilst a 2m pathway might be deemed acceptable to the planners by reducing the pathway and pushing it closer towards the roads it alters the characteristics of the village at its very heart. This is something that local people have tried to maintain and is important in helping make the village more attractive.
- The impact regards to items of highway infrastructure such as the street lighting, road signs which would breach the 2.0m footpath and obstruct the movements of pedestrians /wheel chair/ pram users.
- I wish to formally object to any proposal to reduce the pathway at this junction.

2.0 Internal Consultees

2.1 Local Lead Flood Authority (LLFA)

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 (resubmission). There are no objections to the proposals to change the hard paved area to gardens as this would be an improvement by removing this area of impermeable paving. Approval is recommended.

2.3 Recommendation - Approval

2.4 Ecology Officer

2.5 I have no objection to the above application.

2.6 Highways Network Manager

2.7 This application is for a change of use of land to provide amenity space for plots 1 - 4 and 11 in association with planning approval 15/00949/FUL (resubmission).

2.8 The site layout remains otherwise unchanged and the footpath link between numbers 15 and 17 Southfields is retained. The applicant has demonstrated that two wheelchairs can pass freely on the retained footpath even taking into consideration existing street furniture. The area in front of plots 1 to 4 forms part of the adopted highway and as such will require stopping up under Section 247/257 of the Town and Country Planning Act 1990. Approval is recommended and all previous conditions and informatives apply.

2.9 Recommendation - approval

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

2.11 Contaminated Land Officer

2.12 No objection.

3.0 Representations

3.1 None

4.0 External Consultees

4.1 None