



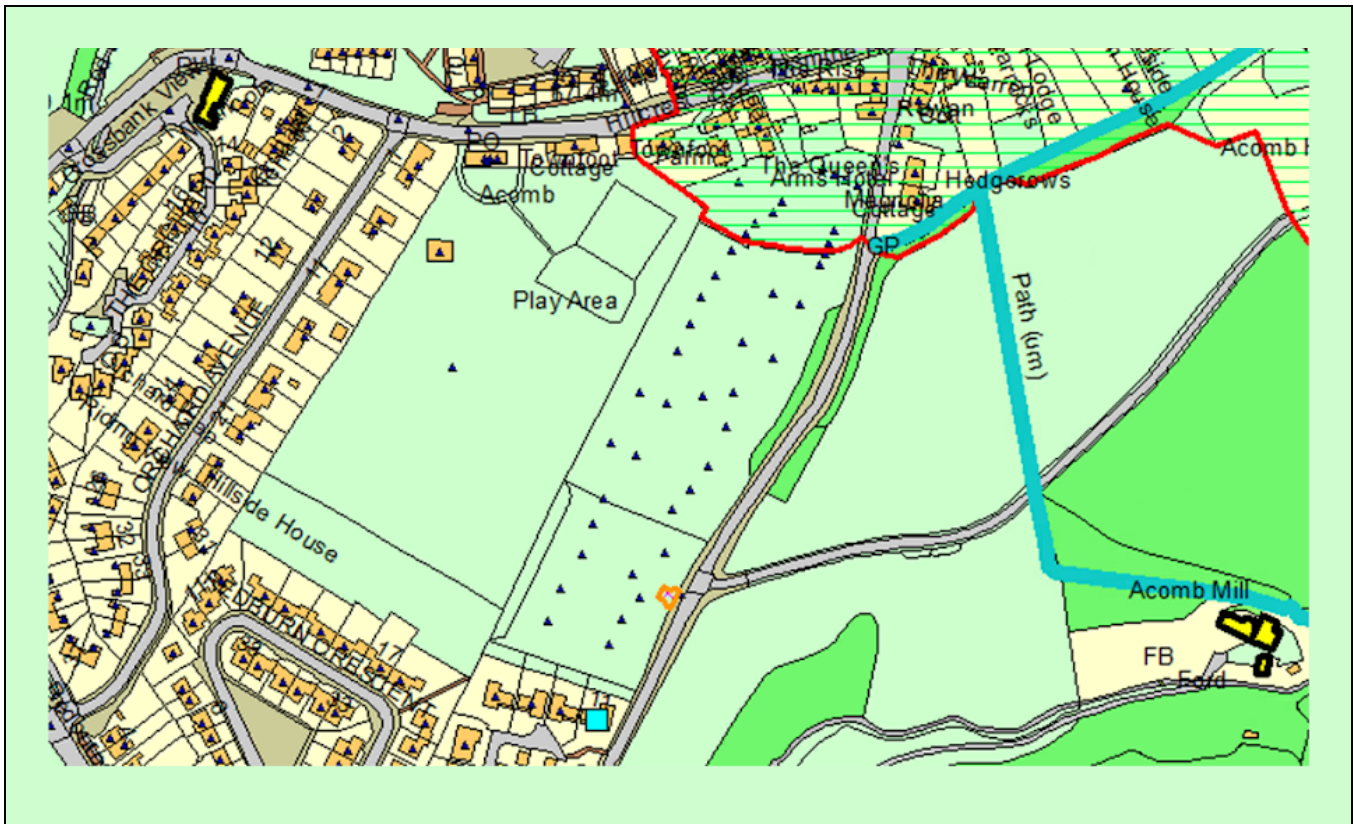
Northumberland

County Council

Tynedale Local Area Council Planning Committee

10 July 2018

Application No:	18/01056/FUL		
Proposal:	Proposal for new electric vehicle gates at the site entrance.		
Site Address	Development Land At Garden House Lane, Acomb, Hexham, Northumberland		
Applicant:	Ms Amy McFaulds Investor House, Colima Avenue, Sunderland Enterprise Park, Sunderland SR5 3XB	Agent:	None
Ward	Hexham Central With Acomb	Parish	Acomb
Valid Date:	27 March 2018	Expiry Date:	22 May 2018
Case Officer Details:	Name: Mr Daniel Puttick Job Title: Senior Planning Officer Tel No: 01670 622635 Email: daniel.puttick@northumberland.gov.uk		



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1. Introduction

- 1.1 This application falls to be determined by members of the Tynedale Local Area Committee as it raises significant planning issues and has received a number of objections from local residents raising material planning considerations, alongside an objection from the Parish Council, during the course of the application process.

2. Description of the Proposals

- 2.1 Planning permission is sought for the installation of new electric vehicle gates at the site entrance to development referred to as 'Birkey Heights' at Garden House Bank in Acomb. Planning permission has previously been granted most recently under application 17/00701/VARYCO, which was subject to a number of conditions and subject to a Section 106 Agreement.
- 2.2 This application seeks to install electric vehicle gates, opening into the site at the sole vehicular access from Garden House Bank. The gates would be set back from the highway by 11m. The access would feature a 1.5m high wall either side of the gates, which would be constructed of timber and set lower than the height of the stone wall. The stone wall would rise to 1.8m in height beyond the sweep of the access, in accordance with previous plans approved under application 17/00701/VARYCO.
- 2.3 The electric vehicle gates would include an intercom system at the entrance to the estate, which can be controlled remotely by residents. The application indicates that private refuse vehicles, postal vehicles and other service vehicles would be issued a fob or code to access the site, and indicate that further provision could be made within the access for the intercom to be located on a pedestal set 3m back from the gates.
- 2.4 The application site is located in the village of Acomb, with part of the site to the north falling within the Conservation Area.

3. Planning History

Reference Number: 15/03825/FUL

Description: Erection of 40 residential dwellings (C3), including formation of access, footpaths and car parking

Status: Permitted

Reference Number: 17/00701/VARYCO

Description: Variation of condition 2 (approved plans) of planning permission 15/03825/FUL to amend multiple plots, house types, roads and surface finishes. Amended plans and documents to include site levels, lighting, contamination, gas, highways, boundary treatments, materials, drainage details, ecology and trees and footpaths.

Status: Permitted

Reference Number: 17/00814/DISCON

Description: Discharge of Condition 3 (Construction Method Statement), 4 (Gas), 5 (Lighting), 6 (Geoenvironmental Appraisal Report), 7 (Boundaries and materials), 8 (Ecology/bird/bat boxes), 9 (Landscaping), 16 (Drainage), 17 (Surface Water through construction), 19 (maintenance of streets), 20 (Estate Street Phasing and Completion Plan), 22 (passing bay), 25 (Tree management plan/arb method statement), 26 (Red Squirrel Method Statement), 27 (Tree Felling method Statement), 28 (Levels) and 29 (Tree Protection Plan) for Planning Permission 15/03825/FUL - Erection of 40 residential dwellings (C3), including formation of access, footpaths and car parking

Status: Withdrawn

Reference Number: 17/02263/DISCON

Description: Discharge of Conditions 31 (Footpath details) and 33 (landscape management) of approved planning application 15/03825/FUL

Status: Withdrawn

Reference Number: 17/03394/DISCON

Description: Part discharge of condition 18, Parts a and b, (Archaeology) relating to planning permission 15/03825/FUL

Status: Permitted

Reference Number: 17/04317/DISCON

Description: Discharge of Condition 5 (Samples) pursuant to planning application 17/00701/VARYCO

Status: Permitted

Reference Number: 18/00418/DISCON

Description: Discharge of conditions 4 (lighting scheme) 15 (future management and maintenance of the proposed roads, footpaths, drainage, lighting, open space and retaining structures) 21 (refuse storage/collection) and 29 (surface finish) on approved planning application 17/00701/VARYCO.

Status: Pending Consideration

Reference Number: 18/00494/DISCON

Description: Discharge of condition 19 (proposed southern link footpath) on approved planning application 17/00701/VARYCO.

Status: Pending Consideration

Reference Number: 18/02146/VARYCO

Description: Variation of Condition 1 (Approved Plans) pursuant to planning permission 17/00701/VARYCO to allow amendments to boundary treatments

Status: Pending Consideration

Reference Number: 18/02162/NONMAT

Description: Non-Material Amendment in relation to the planning application 17/00701/VARYCO. Proposal to hip roofs of plots 18-21 and 25-29 to reduce the impact of the homes in the northern area of the site.

Status: Pending Consideration

Reference Number: T/20060186

Description: Outline construction of residential development

Status: Refused

Reference Number: T/92/E/48

Description: Outline permission for residential development

Status: Withdrawn

Reference Number: C/85/E/673

Description: Retention of vehicular access

Status: Permitted

4. Consultee Responses

Acomb Parish Council	Acomb Parish Council object to the application on the premise that they consider a gated community is not in keeping with the village of Acomb and the surrounding area. The Parish Council stated that they would hope new residents would become part of village life and the community and suggest that a gated estate may not allow this.
Highways	Recommends a conditions relating to detail of entry mechanism and maintenance.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	39
Number of Objections	8
Number of Support	1
Number of General Comments	0

Notices

General site notice, displayed on 12th April 2018
No Press Notice Required.

Summary of Responses:

Eight letters of objection have been received in relation to this application. The following is a summary of the material considerations raised:

- the proposal is not in keeping with the character of the village
- the development will not be socially sustainable and will not aid community cohesion
- the gates will prejudice highway safety and result in vehicles blocking the Garden House Bank
- refuse, service, delivery and emergency service vehicles would be held up in accessing the estate and moving along Garden House Bank
- confirmation is sought that pedestrian entrance points will be maintained
- the proposals will further urbanise a rural lane

One letter of support has been received in relation to this application, indicating that gates would help reduce the speed of vehicles entering the estate and improve highway safety, and comments that contrary to comments raised in objections the estate would be part of the community regardless of the gates.

The above is a summary of the comments. The full written text is available on our website at:

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=P5ZIO9QS0KB00>

6. Planning Policy

6.1 Development Plan Policy

Tynedale LDF Core Strategy (2007)

GD1 Locational policy setting out settlement hierarchy
BE1 Principles for the built environment

Tynedale Local Plan (2000, Policies Saved 2007)

GD2 Design Criteria for development, including extensions and alterations
GD4 Range of transport provision for all development
H32 Residential design criteria

6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2012)
National Planning Practice Guidance (NPPG) (2014, as updated)

7. Appraisal

7.1 The main issues for consideration in the determination of this application include:

- Principle of the development
- Highways safety
- Design

Principle of the Development

- 7.2 The NPPF maintains that the starting point for the determination of planning applications remains with the development plan, unless material considerations indicate otherwise. The Policies in the Tynedale Core Strategy and Tynedale Local Plan provide this starting point, with Policy GD1 of the Core Strategy establishing a settlement hierarchy with which new development is expected to conform. The Policy identifies Acomb, within Appendix 1, as a smaller village in which small scale development is supported. With reference to the permission granted under application 17/00701/VARYCO, which this proposal is intended to support, the construction of vehicular access gates can be regarded as being small in scale and appropriate in the context of Policy GD1 of the Core Strategy.
- 7.3 Unlike Policies elsewhere in the development plan, there are no policies relating specifically to the construction of vehicular access gates within the Tynedale Core Strategy or Tynedale Local Plan. Policy GD4 of the Local Plan does, however, seek that development proposals conform to a number of criteria. These criteria seek that:
- a) safe access to the site and to the classified road system should be secured; and
 - b) the development should not create levels of traffic which would exceed the capacity of the road network or create a road safety hazard; and
 - c) adequate links, access to and provision for public transport systems should be incorporated into within the layout of the site. Large development sites will be required to provide access for public transport; and
 - d) consideration must be given to pedestrians and cyclists within the development site. Convenient, direct and safe routes should be provided.
- 7.4 For reasons set out elsewhere in this report, it is considered that the proposed gates would achieve the aims of Policy GD4 insofar as it would maintain safe access to the classified road system, would not alter numbers of vehicular movements to and from the site and would maintain adequate access for pedestrians through the site to the village and wider public transport network. In this respect, therefore, the principle of the development can be considered acceptable in accordance with Policy GD1 of the Tynedale Core Strategy and Policy GD4 of the Tynedale Local Plan.
- 7.5 The NPPF is a material consideration and indicates that there exists a presumption in favour of sustainable development, which runs as a golden thread through the Framework. The NPPF indicates that there are three dimensions to sustainable development, which include an economic role, social role and an environmental role.

- 7.6 A number of objections indicate that the construction of the gates would be socially divisive, and would prevent the residents of the estate from being integrated within the community. Additionally, it is also suggested that social interaction between existing residents and those within the new estate would be restricted by the installation of the gates. It is important to note that the proposals would restrict vehicular access to the estate only. Pedestrian access is provided to the north, west and south of the site, and it is a requirement of the planning permission granted under application 17/00701/VARYCO, and indeed within the Section 106 Agreement, for the site to remain permeable to pedestrians, alongside other users besides vehicles. Although the estate is a private estate, the local planning authority have sought to ensure that it provides access through the site to the village, its facilities and amenities, enhancing the conditions in which residents elsewhere in the village live, particularly those to the south of the site who would experience enhanced pedestrian links to the village hub.
- 7.7 In summary, the application proposes operational development to complement the construction of dwellings on land at Garden House Bank in Acomb, the effect of which would result in an estate where vehicular access is restricted and controlled. It is not considered that there would be any adverse social impact arising from the installation of the vehicular gates, with pedestrian access through the site to be maintained. The development would widen the choice of high quality homes in an area which is acknowledged to feature a low number of similar gated developments. The proposed development is considered to be sustainable in this respect, for which the NPPF holds a presumption in favour of. The principle of the development can be regarded as being acceptable in accordance with Policy GD1 of the Tynedale Core Strategy, Policy GD4 of the Tynedale Local Plan and the aims of the NPPF.

Highways Safety

- 7.8 The Council's Highways Development Management Team have been consulted on the application, to consider the impacts arising from the development upon the safety and integrity of the road network. It is important to note that the development site, Birkey Heights, has been designed to aspire to adoptable highway standards however in this instance the estate is to remain in private ownership, and is to be maintained by residents in the form of a management company. In this context, the application has been assessed for its impact on the adopted road network, having regard to the effects of such development and operation of a gated development on the adjacent highway.
- 7.9 As set out previously, Policy GD4 of the Tynedale Local Plan seeks to ensure that proposals conform to certain criteria. The NPPF indicates, at Paragraph 32, that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.10 In responding to the application, the Council's Highways Development Management Team initially raised concerns regarding the effective management and operation of the vehicle gates. Further information has been requested relating to measures to be in place for deliveries, servicing and

emergency vehicles in terms of how they are to access the estate if a residence is not occupied or access cannot be achieved. A number of objections have highlighted that this could present road safety issues if vehicles are blocking the access, or are denied entry and must manoeuvre within the access and potentially reverse onto the carriageway.

- 7.11 In response to this, the applicant has advised private refuse collection vehicles, postal service vehicles, etc will be issued with a fob or code for the gate which would enable unhindered access. In addition, the applicant intends to use a remote GSM system which would call up to three numbers associated with individual properties, meaning that occupants do not need to be home to allow access through the gates. The applicant also indicates that the access has been designed to accommodate two vehicles free of the highway, with the majority of vehicles capable of using the access without restricting use of the highway whilst waiting to enter.
- 7.12 It is acknowledged that the details of effective management and operation of the access system is lacking in sufficient detail to adequately mitigate against potential highway safety issues. Notwithstanding this, it is considered by the local planning authority that there are a number of measures which could be implemented to ensure the effective operation of the access gates. The plans also indicate the maintenance of the gates will be undertaken by the Management Company, who will be responsible for the upkeep of the access gates in addition to wider maintenance of the site.
- 7.13 Although there are potential safety hazards associated with the installation of gates in this location, cognisance is had to the nature of the surrounding road network and scale of the settlement. Whilst it is acknowledged that Garden House Bank is a well-used road, the volume of traffic associated with the application site and measures proposed within the application to minimise conflict are factors which would prevent any safety issue being severe, in the context of the NPPF. Significant detail is suggested to be secured by means of an appropriately worded condition, with details to be agreed with the Council's Highways Officers, before any development commences on this aspect.
- 7.14 In summary of the above, it is acknowledged that the installation of the gates may result in inconvenience to users of the road network which may be prejudicial to the highway network. The extent of this impact is not considered to be severe in the context of the NPPF. Whilst the development would restrict vehicular access to the site, it would still maintain a suitable and safe point of entry to the estate and the adopted road network, and would maintain pedestrian permeability through the site for residents within and outside of the new development. The development would not alter or change the number of vehicular movements associated with the residential development, and the wider benefits derived from the original permission would still be secured as a result of this application. It is acknowledged that details of the management and operation of the system is lacking, and as such a condition is recommended to secure precise details of the specification, method of installation and operation of the development to minimise the impact on the road network. Subject to accordance with such a condition, the proposal is considered to be acceptable in accordance with the aims of Policy GD4 of the Tynedale District Local Plan, and the aims of the NPPF.

Design

- 7.15 The design of the proposed gates is intended to be sympathetic to the overall design established within the new development at Birkey Heights, which utilises a mixture of external materials within dwellings and boundary treatments, such as stone, brick and timber. The materials palette, in this respect, would be consistent with the character of the new development, which was considered to be an appropriate response to the location of the development within the village, having regard to part of the site being located within the Conservation Area.
- 7.16 A number of objections indicate that the introduction of gates would be incongruous with the character of the village, with a number of those suggesting that a gated community is not characteristic of the local area. It is acknowledged that there has been a significant change in the character and appearance of the site. When viewed in context with the effect of the development on the locality, it is not considered that the introduction of gates would result in any significantly greater impact on the street scene. Although the gates are an additional feature over and above the development of the site to provide new dwellings, the access would be a subservient addition which would be set back from the highway and would not be prominent. The overall mass and height of dwellings within the site would be the dominant feature, with the access gates set 11m into the site. The nearest dwellings would be likely to serve to screen the gates from mid-range views Garden House Bank, with longer range views likely to be obscured by the mass of dwellings. In any event, the gates would not be prominent within the landscape from afar. Views of the site would be from short range only, and for the most part would be likely to be fleeting and glimpsed by vehicles travelling along Garden House Bank. So far as impacts upon street scene are concerned, it is not considered that there would be any significantly greater change to the character of Garden House Bank as a result of the proposal when viewed in context with the backdrop against which they would sit, having regard to the significant change in the character of the site.
- 7.17 The construction of the gates and boundary walls would be consistent with the overall treatment of the site, which is considered to be acceptable. Given that any impact on the street scene would be somewhat diminished in context of the changes occurring as a result of development of the site, overall the design is considered to be appropriate to the appearance of the development as a whole, and whilst not a prevalent feature within the local area gated accesses are present, with one situated almost immediately opposite the site.
- 7.18 Subject to accordance with conditions requiring consistency with the approved plans, in order that the materials remain consistent with those used elsewhere on site, the introduction of the gates and alterations to the boundary walls are considered to be acceptable in design terms, and would accord with the aims of Policy BE1 of the Tynedale Core Strategy, Policies GD2 and H32 of the Tynedale Local Plan, and the aims of the NPPF.

Equality Duty

- 7.19 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

- 7.20 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

- 7.21 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 7.22 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 7.23 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. The development hereby permitted, except where modified by conditions elsewhere in this permission, shall not be carried out other than in complete accordance with the following approved plans:

1. AC_SLP_02 Site Location Plan
2. AC_EBWD_02 Entrance Gate Details

Reason: To ensure the development is carried out in accordance with the approved plans, in the interests of proper planning.

03. Notwithstanding the detail contained within the application, the gates hereby permitted shall not be brought into use until precise details for the management and operation of the intercom system, to include precise details of the system to be installed, its specification and location, have first been submitted to, and approved in writing by, the local planning authority. The details shall account for measures to control access to the site for service, refuse, delivery and emergency vehicles. Thereafter, the gates shall be installed in accordance with the approved details and shall be maintained as such in perpetuity, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the safety of the surrounding highway network and prevent obstruction of the carriageway, in accordance with the aims of Policy GD4 of the Tynedale Local Plan.

Background Papers: Planning application file(s)

18/01056/FUL, 17/00701/VARYCO, 15/03825/FUL