

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
12 APRIL 2017
REPORT OF DIRECTOR,
ECONOMIC GROWTH AND DEVELOPMENT
SERVICES**

17/0014/COU

**Land North East Of 16 To 66, Patterdale Avenue, Stockton-on-Tees
Change of use of land at Patterdale Avenue to community garden.**

Expiry Date 13 April 2017

SUMMARY

Planning permission is sought for the change of use of land to a community garden at the land to the north east of 16 – 66 Patterdale Avenue. The Oak Tree Academy is to the north of the site while St Bedes Catholic Academy is to the east (See Appendix A).

The application site is land allocated as playing field and as such this change of use application would result in the loss of this playing field. However, it has been agreed with Sport England during pre-application discussions that there would be no need for a formal consultation on this application. This is because this segment of land has been fenced off from The Oak Tree Academy for some time and therefore they would not object to the loss of a playing field in this instance. Nevertheless, there are other playing fields available in this area and the site will remain as a recreational space for local needs.

A letter of objection and a letter of concern were received relating to access for the school and the loss of a local habitat to the land directly to the rear of 16 - 20 Patterdale Avenue along with the associated security issues that could arise from the proposed community garden. These comments were considered by the applicant and the application has been amended to address these concerns by excluding the area of land to the rear of these properties and it has been confirmed that the existing access arrangements to the school will remain unaltered.

A letter of support for the proposed scheme has been received from the Ward Councillor, Councillor Paul Baker.

The change of use is to create a community garden to allow local residents to grow plants and other vegetation. It would also allow residents to use the area as a general leisure area and parcels of land would be rented out for this purpose.

Taking into account all comments received, it is considered that the scheme would not have a significant detrimental impact on neighbours or the character of the area. Additionally, there are no planning policies which would render the application unacceptable and it is therefore recommended that the application be approved.

RECOMMENDATION

That planning application 17/0014/COU be approved subject to the following conditions and informatives below;

01 Time Limit

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

Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).

02 Approved Plans

The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date on Plan
SBC0001A	28 February 2017

Reason: To define the consent.

03 Tree/Hedge retention

No trees, shrubs or hedges within the site shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and the retention of important landscape features on the site

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application

SITE AND SURROUNDINGS

1. The application site relates to a long parcel of land to the north east of 16–66 Patterdale Avenue with part of the existing open space to the south to remain.
2. The application site is allocated as playing field and also as an Outside Sports facility/ Oak Tree Playing Field in the Open Space Audit. However, this area is fenced off from the land associated with The Oak Tree Academy (to the north of the site).

PROPOSAL

3. Planning permission is sought for a change of use of the land to the north east of 16 - 66 Patterdale Avenue to a community garden.

CONSULTATIONS

4. The following Consultations were notified and any comments received are set out below:-
5. Highways, Transport and Environment (07.03.17)
General Summary: Subject to the comments detailed below Highways, Transport & Environment Manager has no objection to this application.
Highways Comments: There are no highway objections to the change of use to a community garden.
Landscape & Visual Comments: Trees to be retained within the site subject to this no landscape & visual objections are raised.

6. Councillor Baker

I do not have any problems with application App No. 17/0014/COU, I actually believe that this will enhance the quality of people's lives.

PUBLICITY

7. Neighbours were notified and one letter of support and one letter of objection were received with the comments received set out below:-

8. Andrew Jones, 18 Patterdale Avenue

I am writing formally to log an objection to the prospective change of land use to the rear of Patterdale Avenue from its current use to communal gardens. The application for planning was brought to my attention this week when I received a letter through my door informing me of the planning application for change of use. Other than this letter I was not aware of any other form of public consultation that had occurred up to this date so i was taken by surprise and disappointment to say the least. I currently reside at No.18 Patterdale Avenue and the plans for development show the proposed site running along the back of my property and adjacent properties either side. Currently the land behind my property and the adjacent two properties benefit from enhanced privacy and security as the above mentioned area of land is fenced off with a large iron fence and is overgrown with bush, tree and shrub (also providing a habitat for wildlife and the local fox community), I would be greatly disappointed and frustrated if this small area of land was redeveloped and in the process made accessible and open to the public and in turn making my property vulnerable to potential intruders. In the past this piece of land had become a magnet for anti-social behaviour from young adults which caused great distress to local residents and would be very disappointed if this were to happen again after so much has been done to bring calm to the area. I am very much in favour of the redevelopment as a whole and the benefit it would bring to the local community and feel that curtailing of the development at the iron fence that is currently in place behind No16 would not cause any significant loss to the proposed redevelopment. I would very much appreciate my small request being taken into consideration

9. Mrs Bernadette Rizzi-Allan, St Bedes Catholic Academy

Letter 1: We are very much in favour of the development of a community garden however we previously believed that this was going to be situated on waste ground on Green Lane between St Bede's Catholic Academy and The Oak Tree Primary School. Based on this planning application and the map provided the garden would run adjacent to our playing field fence. This fence contains double gates that provide the only access for grass cutting equipment and therefore we ask that any development ensures future access would be guaranteed. Removal of access would render the school playing fields unusable. If the guarantee of access for grounds maintenance equipment was guaranteed we would be delighted to support the application and would like the opportunity to be involved in the project in the future.

Letter 2: Further to the amended application with revised boundaries ensuring maintenance of school access, we are pleased to support the application and would like the opportunity to be involved in the project in the future.

PLANNING POLICY

10. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of

the Stockton on Tees Local Plan. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

National Planning Policy Framework

11. Paragraph 14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

Local Planning Policy

12. The following planning policies are considered to be relevant to the consideration of this application.
13. Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change
8. Additionally, in designing new development, proposals will:
_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.
14. Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement
3. The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of:
iii) Urban open space and play space.
15. Saved Policy REC1 of the adopted Stockton on Tees Local Plan
Development which would result in the permanent loss of playing space will not be permitted unless:
(i) Sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site, or
(ii) Alternative provision of equivalent community benefit is made available, or
(iii) The land is not required to satisfy known local needs.

MATERIAL PLANNING CONSIDERATIONS

16. The main planning considerations of this application are the principle of development, impacts on the character of the area and the amenity of neighbouring occupiers. One letter

of objection, a letter of concern has been received in addition to a letter of support from Councillor Paul Baker with the main concerns relating to the following;

- Queries over access for St Bedes Catholic primary school
- No previous consultation for this application
- Land to the rear of 16 - 20 Patterdale Avenue provides privacy and security
- Land to the rear of provides a habitat for wildlife

Principle of Development

17. The application site is allocated as a playing field in the local plan and the open space audit. During pre-application discussions Sport England were contacted and whilst it is acknowledged that there would be a loss of a playing field, Sport England raised no objections and would not like to be consulted as this area of land is fenced off from the school and has not functioned as a school playing field for a significant length of time.
18. Whilst policy REC1 states development which would result in the permanent loss of playing space will not be permitted unless it meets specific criteria it is considered that alternative provision of equivalent community benefit is already available, and the land is not required to satisfy known local needs. The change of use of the site will still remain as a recreational facility for local residents, although not as a playing field and as such proposal in this instance is considered to be acceptable and broadly in accordance with REC1.

Character

19. It is not considered that the proposed change of use would appear unduly out of context to the surrounding area, especially as there are nearby playgrounds. Whilst this is open land, it is not considered that a community garden would adversely harm the character of the area and would benefit local residents. Additionally, the Highways Transportation and Environment Manager has not raised any visual objections to the application, commenting that the trees are to be retained within the site which can be secured by condition.
20. The use of the land will be as a community garden to allow local residents to grow vegetation and therefore it is not considered that the use would significantly alter the character and appearance of this parcel of land.

Impact on Neighbours

21. Given the existing use of the site as play fields, the proposed change of use is not considered to adversely impact upon neighbouring properties in terms of noise generation and overlooking. Views to the existing properties along Patterdale Avenue can be achieved at present and this change of use is not considered to significantly worsen this situation.
22. Concerns in relation to the access to the school being blocked/ removed are not relevant as the access remains unchanged.

Residual Matters

23. An objection was raised about no prior consultation having taken place, however, nearby properties have been consulted on this application which has given the opportunity for neighbouring properties to comment on the proposed change of use.

24. With regards to the land behind the residential properties, this has now been omitted from this application addressing concerns raised with regard to anti-social behaviour and loss of habitat as the existing fencing and shrubbery will remain.

CONCLUSION

25. Overall it is considered that the proposed development accords with planning policy within the Development Plan and National Planning Policy Framework and it is considered that there will be no adverse impacts on the character of the area or neighbouring properties. It is also considered that the development will not have an adverse impact on highway safety and therefore there are no material considerations which indicate that the determination should not be in accordance with the Development Plan. It is therefore recommended that the application be Approved with Conditions for the reasons specified above.

Director of Economic Growth and Development Services
Contact Officer Miss Christina Poles Telephone No 01642 526063

WARD AND WARD COUNCILLORS

Ward Newtown
Ward Councillor(s) Councillor Paul Baker
Ward Councillor(s) Councillor Rachael Proud

IMPLICATIONS

Financial Implications:

There are no known financial implications

Environmental Implications:

There are no known environmental implications.

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Background Papers

Stockton on Tees Local Plan Adopted 1997, Core Strategy DPD 2010