

Application No: 21/02281/FUL Author: Maxine Ingram
Date valid: 18 November 2021 ☎: 0191 643 6322
Target decision date: 13 January 2022 Ward: Camperdown

Application type: full planning application

Location: Land Adjacent To, 36 Falkirk, Killingworth, NEWCASTLE UPON TYNE

Proposal: Change of use from open space to residential C3 garden space including the erection of a 1.8m fence. (Retrospective)

Applicant: Mrs Jackson, 36 Falkirk Killingworth NEWCASTLE UPON TYNE NE12 6QA

RECOMMENDATION: Application Refused

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 The main issues for Members to consider in this case are:

- The loss of informal open space and its impact on the character and visual amenity of the area; and,
- Other matters.

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 a parcel of land located immediately to the east of No. 36 Falkirk. The site is bound to the north and east by public footpaths which provide direct connections to the wider residential estate and surrounding open space

2.2 Beyond the footpath to the north of the site is No. 38 Falkirk. This property is orientated east-west. Its blank gable is set back from the adjacent footpath. The boundary treatment adjacent to the footpath consists of a high boundary treatment to enclose the rear garden, low level planting adjacent to the gable and a low-level boundary treatment to the front garden.

2.3 Beyond the footpath to the east of the site lies an area of designated open space, a wildlife corridor and the rear garden serving No. 54 Flodden. It is noted

that a high timber fence separates this rear garden from the adjacent footpath. Further south of this fence there is a mature landscaping strip that separates the rear gardens of other properties from the adjacent footpath.

2.4 To the south of site is an area of designated open space and a wildlife corridor.

2.5 It is noted that high fences adjacent to areas of open space exist within the immediate vicinity of the site. However, these areas of open space are not enclosed on all sides.

3.0 Description of the Proposed Development

3.1 Retrospective planning permission is sought for a change of use from open space to residential C3 garden space including the erection of a 1.8m fence.

3.2 The applicant has submitted a supporting statement to accompany their planning application:

The site has no allocation(s) and is not defined within the Council's Local Plan; therefore, it is assumed that the site has no value that would require a designation. The proposed site for garden use consists of low-quality amenity grass making up only 0.003% of the available grassed open space within the estate. The site has a steep gradient falling away approximately 1 meter over rear 10 meters of the site allowing passers by a view in to both the rear garden of 36 but also those of 38 to 48 Falkirk. The site is not used anything and has not been used in a positive manner by anyone in the 7 years in which we have resided at the property. At the time of purchase, we were advised the land/site was available if we were interested in acquiring it and we have since had discussions with the developer regarding this.

Since moving in we have endured problems with anti-social behaviour at the site with a constant problem with drinkers, who whilst entering or leaving the estate on the adjacent footpath at night smashing empty glass bottles against the gable end of our property. The site is also a litter trap and used by youths as a means of escape after kicking and banging on the front door of our property an issue which causes concern with our daughters when they are in the house alone.

We believe the change of use meets policies DM1.3, DM6.1, DM5.2 and S1.4 as the proposal will improve the environmental/ecological conditions in the local area due to additional planting which will take place within the newly created garden area providing resources for pollinators, insects and bird life etc. We are also prepared if requested to provide additional plating to compliment the nearby wildlife corridor as there is nothing currently in this location. The site has not been designated as open space or as part of the current wildlife corridor, therefore, it can be assumed that the site has no value to the community or to biodiversity. The issues with anti-social behaviour and lack of public use, would appear to confirm this.

The fencing will improve the visual impact of the location as it is in keeping with the existing characteristics of high fencing which enclose the rear gardens of the neighbouring properties. The fence also obscures the unappealing gable end of the adjacent property to the north of the site which is the first thing viewed as

passers-by walk in to the estate but does not interrupt the open vista of the estates central field as the path turns north east around the rear of Flodden. The fencing also provides privacy/security to the gardens of the properties to the north of the site as the path leading in to the estate is at an elevated level above that of the rear gardens of both the associated property of number 36 and those at numbers 38, 40, 42, 44 and 48.

The fencing is also in keeping with the current curtilage design standards of the neighbouring properties and is an extension of the existing rear garden fencing design of our property and matches with the current front garden fence design which attaches to it.

The new fencing enclosing the site consists of 1.8m high fencing boards attached to 3 by 1-inch rails attached to 4-inch fence posts and will be finished in a grey which is in keeping with the property's front and rear garden fence and the fencing colours of the neighbouring properties in this location. The site will have little adverse impact upon the surrounding area as the site in question is small in size, approximately 90m², making up only 0.003% of the open space on the estate and will not be harmful to the surrounding area or residents. The land proposed for garden use is not of any use to residents as open space but there is a large area of useable designated open space available for residents elsewhere within the estate.

For the above reasons, it is considered that the change of use of the land to enclosed garden space would not be detrimental to the environment and would be in accordance with the Council's planning policies.

4.0 Relevant Planning History

No planning history relating directly to the planning application site.

7 Greenhills, Killingworth

21/00809/FUL - Remove old fence which only covered part of the property, and erect new fence enclosing existing open space, close boarded timber 1800mm high installed. (Retrospective) – Refused 07.07.2021. Appeal dismissed 07.10.2021. (Appeal Ref: APP/W4515//D/21/3279923)

22 Longstone Court, Killingworth

19/01597/FUL - Change of use from open space to form part of garden – Refused 21.04.2020. Appeal dismissed 01.02.2021 (Appeal Ref: APP/W4515/W/20/3261333)

20 Falkirk, Killingworth

05/03595/FUL - Change of use of land to garden space, ground floor side and rear extension to existing garage and first floor bedroom extension over garage - Refused 16.01.2006. Appeal dismissed 20.10.2006. (Appeal Ref: A/06/2018050/NWF)

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (July 2021)

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 for Members to consider in this case are:

- The loss of informal open space and its impact on the character and visual amenity of the area; and,
- Other matters.

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

8.0 The loss of informal open space and its impact on the character and visual amenity of the area

8.1 Paragraph 92 of the NPPF encourages planning policies and decisions to aim to achieve healthy, inclusive and safe places. Amongst other matters this includes creating safe and accessible places, so that crime and order, and the fear of crime do not undermine the quality of life or community cohesion and enable and support healthy lifestyles through the provision of safe and accessible green infrastructure.

8.2 Paragraph 98 of the NPPF states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

8.3 Policy S1.2 'Spatial Strategy for Health and Well-being' states that the wellbeing and health of communities will be maintained and improved, amongst other matters, by promoting access for all to green spaces, sports facilities, play and recreation opportunities.

8.4 Policy S7.10 Community Infrastructure states the quantity and quality of open space, sport and recreation provision throughout the Borough will be maintained and enhanced and are accessible to the neighbourhoods that they serve.

8.5 Policy S1.4 General Development Principles states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of the Plan. Amongst other matters this includes ensuring that developments are acceptable in terms of their impact upon local amenity for new or existing residents, adjoining premises and land uses.

8.6 Policy DM5.2 'Protection of Green Infrastructure' seeks to protect the loss of any part of the green infrastructure network. Such a loss will only be considered under exceptional circumstances such as where it has been demonstrated that the site no longer has any value to the community in terms of loss of access and function or if it is not required to meet a shortfall in the provision of that green space type or another green space type. Where development proposals are considered to meet the exceptional circumstances, permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections.

8.7 Policy DM5.3 'Green Space Provision and Standards' states:
"Within North Tyneside, accessible green space will be protected and enhanced to be of the highest quality and value. New development should sustain the current standards of provision, quality and value as recorded in the most up-to-date Green Space Strategy (GSS). Opportunities should be sought to improve provision for new and existing residents."

8.8 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.

8.9 Policy DM6.1 sets out guidance on the design of development. This policy states that:
"Applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis of the characteristics of the site, its wider context and the surrounding area."

8.10 Policy DM6.1 states, amongst other matters, that proposals are expected to demonstrate:

- b. A positive relationship to neighbouring buildings and spaces; and,
- f. A good standard of amenity for existing and future residents and users of buildings and spaces.

8.11 The Council's '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 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'. 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'.

8.12 The Council's Design Quality SPD states that areas of open space that are valued by residents provide an important community function and can make a significant contribution to quality of life.

8.13 The objections received regarding visual harm, the development being contrary to planning policy, impact on amenity and precedent are noted.

8.14 Members are advised that the application site was formally a grassed area of incidental open space. Based on available aerial photographs the site appeared well maintained. The site is now enclosed on all sides by a 1.8m high timber fence.

8.15 The application site is not designated as open space in the Council's Local Plan. It is an incidental area of grassed open space that provides a connection to a wider green network immediately to the south, east and north east of the site. The immediate surrounding green infrastructure is designated as open space and a wildlife corridor in the Council's Local Plan. This site provides an important visual link to the adjacent green infrastructure as well as opportunities for the community to use this area for recreational purposes.

8.16 Members are advised that high fencing does exist adjacent to areas of open space within the vicinity of the site. However, the siting and design of those existing boundary treatments formed part of the original estate and they only enclosed the open space on certain sides creating a sense of openness and natural surveillance. Prior to this application, this site was only enclosed on one side: the gable of No. 36 Falkirk and it remained open adjacent to the surrounding footpaths. This openness created a sense of connectivity and increased natural surveillance. Enclosing this parcel of land significantly alters the visual appearance and character of this part of the estate. It reduces views and connections to the north and south resulting in a reduced sense of openness and natural surveillance.

8.17 As already discussed, there are expanses of timber fencing that exist adjacent to footpaths and areas of open space throughout this estate. It is already noted that these existing boundary enclosures were designed as part of the wider estate. Such boundary treatments, adjacent to footpaths, would not be supported today as they result in poor design that detracts from the public realm. However, the site, subject of this application, was not previously enclosed by a solid timber fence.

8.18 Boundary treatments should be carefully considered and should not detract from the public realm. This site, due to its location, is highly visible within the immediate street scene therefore it is highly sensitive to alteration.

8.19 The proposed boundary treatment, approximately 1.8m high timber fencing, by virtue of its height, length, close boarded timber construction and siting creates a highly incongruous feature. The fence introduces a hard element into this part of the street scene to the detriment of visual amenity. The proposed boundary treatment is contrary to Policy DM6.1 of the Local Plan and the Design Quality SPD. When read together these policies and guidelines only permit development to occur when it harmonises with its surroundings. The development does not result in any significant benefits that outweigh the visual harm that has been brought to the character and appearance of the area.

8.20 The comments of support are noted. However, it is not considered that the development results in any significant benefits that outweigh the visual harm caused.

8.21 Members need to determine whether the proposed development is acceptable in terms of the loss of this space and its impact on visual amenity. Due to its location, forming part of the wider green infrastructure network, this site plays a significant role in contributing to the character and amenity of the area. This is evident by way of aerial photographs showing the space prior to the development taking place. By changing the space to private garden and enclosing it with high fencing, prevents this role from being undertaken and creates an enclosed area whereby the fencing appears dominant and oppressive. It is officer advice that this development is not acceptable. As such the proposed development does not accord with the NPPF or Local Plan policies S1.2, S1.4 and DM6.1 or the Design Quality SPD.

9.0 Other Matters

9.1 The Council's Landscape Architect has been consulted. She has confirmed that there are no significant landscape features on this site.

9.2 The Council's Biodiversity Officer has been consulted. She has confirmed that the site contains no habitat of ecological value as the area is currently amenity grass.

9.3 The Highways Network Manager has been consulted. He has raised no objection.

9.4 Objectors have raised concerns regarding precedent. Whilst each application must be assessed on its individual merits, granting planning permission for this application could be used in support of such similar schemes. Previous appeal decisions, referred to in the planning history, refer to precedent. The Planning Inspectors considered that it was not a generalised fear of precedent, but a realistic specific concern given the shared characteristics with similar properties in the area. The Planning Inspectors considered that allowing those appeals would make it more difficult to resist further planning applications for similar developments and considered that their cumulative effect would contribute to overall harm to the wider area.

9.5 The objection received advising that the applicant has not disclosed that they are related to an employee of the council is not correct. This is confirmed and disclosed on the submitted application form.

9.6 The applicant has signed Certificate D which advises the Local Planning Authority (LPA) that they do not know who owns this land.

10.0 Conclusions

10.1 Members should carefully consider the balance of issues before them and the need to take in account national policy within NPPF and the weight to be accorded to this as well as current local planning policy.

10.2 Members need to determine whether the proposed development is acceptable in terms of the loss of this space and its impact on the character and visual amenity of the area. It is officer advice that the loss of this space and the impacts on the character and visual amenity of the area as a result of this development are not acceptable. As such, the proposed development does not accord with the NPPF or Local Plan policies S1.2, S1.4 and DM6.1 or the Design Quality SPD.

10.3 Refusal is recommended.

RECOMMENDATION: Application Refused

Conditions/Reasons

1. The application site occupies a prominent position within a residential estate. The construction of 1.8m high fencing, by virtue of its design, length, height and material, and enclosing an area of incidental open space that connects to the wider green infrastructure network would be harmful to the character and visual amenity of the immediate surrounding area and result in a reduced sense of openness and natural surveillance. This would be contrary to policies S1.2, S1.4 and DM6.1 of the North Tyneside Local Plan (2017), the Design Quality Supplementary Planning Document (SPD) (2018) and the advice in National Planning Policy Framework (NPPF) 2021.

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 Paragraph 38 of the National Planning Policy Framework.

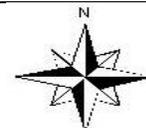


Application reference: 21/02281/FUL
Location: Land Adjacent To, 36 Falkirk, Killingworth
Proposal: Change of use from open space to residential C3 garden space including the erection of a 1.8m fence. (Retrospective)

Not to scale

Date: 03.02.2022

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**Appendix 1 – 21/02281/FUL
Item 2**

Consultations/representations

1.0 Ward Councillors

1.1 Councillor Jim Allan

1.2 This is a retrospective planning application as the fence was erected in April 2021 and it drew the attention of a great number of residents living nearby the property, all raising numerous objections. I have attached many emails that have been submitted and responded to between the officer responsible for land in the ownership of NTC.

1.3 As you will note that the land is not in direct ownership of the Council but it is a historical parcel of land that the Authority maintained since the estate was adopted from Greensitt and Barratt (housebuilders) in the early seventies. Therefore, permission would need to be granted by NTC as the responsible body of the land in question and I understand from the officers responsible for the land no permission was sought by the applicant and has not been approved.

1.4 As a Ward Councillor, I believe that the fence is contrary to the area and poses a safety issue because of its height and impact on both natural light and Street lighting. It creates a narrow public pathway, and the path is well used by residents and other visitors including delivery services.

1.5 These concerns have been raised via emails and conversations with Council Officers and in general, the application for change of use would be contrary to the policy for Public Safety.

1.6 I would request that the application be declined, and the enforcement team be requested to take immediate action because of the length of time it has taken to reach this point.

1.7 I would also request that the Ward Councillor be present to speak against the application at the Planning Committee that it is presented to.

2.0 Internal Consultees

2.1 Landscape Architect

2.2 The application is to enclose an area of land adjacent to 36 Falkirk, Killingworth as an area of garden space. The land is not designated open space or within a wildlife corridor as defined by the Local Plan, but the land is communal and offers accessible outdoor space. However, in terms of landscape the area is currently informal open space with amenity grass. There are no significant trees or other landscape features on the site.

2.3 Biodiversity Officer

2.4 I agree with the Landscape Architect's comments regarding the status of the land and have nothing further to add. The site contains no habitat of ecological value as the area is currently amenity grass.

2.5 Highways Network Manager

2.6 This application is a retrospective application for a change of use from open space to residential C3 garden space including the erection of a 1.8m fence. Approval is recommended.

2.7 Recommendation - Approval

2.8 Informatives:

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dv/pt

The applicant is advised that they will need to cover any legal costs incurred by the council to stop up the area or remove it from the highway adoption agreement (Section 38 Agreement)

3.0 Representations

3.1 Support

3.2 Two representations of support have been received. These comments are set out below:

-Fully support the retrospective planning permission request. Less green area for the ample dog walkers to allow their animals to defecate. Wasted land which will be put to better use by the occupants of the dwelling and less grass to cut for the council.

-This is a brilliant idea helps put a clear boundary in situ with the public path

3.3 Objection

3.4 Eight objections have been received. These comments are set out below:

- Inappropriate design
- Loss of residential amenity
- Loss of visual amenity
- None compliance with approved policy
- Not in accordance with development plan
- Out of keeping with surroundings
- Precedent will be set
- Will result in visual intrusion
- Impact on landscape
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access

-20 Falkirk refusal on similar land

-The estate was part of the new town development of Killingworth Township in the 1960s and 70s and forms an integral part of the estate. Few modern estates provide areas of planned open amenity grass land, it would be wrong to allow any garden grab of the open space by surrounding houses.

-Contrary to the applicant's statement on the application form the land is not an unused area of poor-quality grass land. The open space is very well used by children, dog walkers, adults exercising and general socialising. The grass is regularly mowed by the Council, as is evident from the photographs attached taken from Google maps, and has never been in a poor condition.

-Loss of Open Space: Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the development plan is the North Tyneside Local Plan (2017). It is clear throughout the Local Plan that it seeks to protect open space and promote good design.

The applicant has failed to demonstrate any exceptional circumstances to justify the loss of green infrastructure, nor have they provided any alternative open space provision elsewhere and as such the application does not accord with Policies DM5.2 and DM5.3 of the Local Plan.

It therefore follows that unless there are material considerations that would outweigh the harm that would be caused by being contrary to the relevant policies in the Local Plan that planning permission should be refused.

-Design: The National Planning Policy Framework (NPPF, 2021) states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design. Policy DM6.1 'Design of Development' states "Applications will only be permitted where they demonstrate high and consistent design standards. In addition to this the Council's Design Quality Supplementary Planning Document (SPD) 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.'

-The close boarded fence around the open space now creates a narrow pathway to the open space from Falkirk which looks unsightly and blocks sight lines in and out of the open space. This will be evident to you when you conduct a site visit. Therefore, the proposal contrary to NPPF, policy DM6.1 Design of Development of the Local Plan and the Design Quality SPD.

-Previous Applications: Whilst each application should be treated on its individual merits, allowing this application could support similar schemes around the open space, particularly given the number of properties with shared characteristics bordering the open space. The cumulative effect of such development would contribute to an unacceptable overall harm to the wider area. Two similar proposals, both in Killingworth, have recently been dismissed at appeal due to impact on amenity: 21/00809/FUL and 19/01597/FUL. Although it is a few years old, another appeal case at 20 Falkirk, is particularly important, as it relates to the same open space as this application. The proposal at 20 Falkirk was a similar garden grab of open space and was dismissed at appeal. Unfortunately, due to the age of the case I cannot find any more information online. These three appeal decisions are material considerations of a significant weight.

-To conclude my family and I wish to object to this development due to the loss of open space and the unacceptable impact on the character and appearance of the area. It is contrary to Policies DM5.2, DM5.3 and DM6.1 of the North Tyneside Local Plan (2017) which seek to protect areas of green space and encourage good design.

-Planning law requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. This proposal is contrary to the relevant policies in the Local Plan and would result in harm. There are no material considerations which would outweigh the harm that would be caused. It follows therefore that planning permission should be refused.

-This is grossly unfair. Firstly, the gentleman put up the fence without permission just acquiring the piece of land because he could. However, we live at 26 Falkirk and although it doesn't affect us directly can we assume that this is the new norm? Build and or put up a fence without permission or purchasing the land? If

that is the case, then waiting to see if anyone will complain? If so, then we would certainly be interested in the land at the rear of our property, not all of it just a stretch leading to the path.

-None of the residents were consulted if we agreed to the sale of the land and given that as rate payers on this particular estate surely we should have been our rates contribute to that land?

-The fenced area has also created a tunnel of a path which really isn't very unnerving when walking through there especially at night. This estate has always been a safe estate without 'tunnel' like areas other than the two sub ways on the estate.

-We look forward to your response on our queries. Especially on our right to build at the rear of our property as I am sure numbers 24 and 22 will also be interested if they were aware of your new ruling.

-The applicant erected this fence before May 21 which he did not have permission to do. After numerous queries from myself to Planning Enforcement I was told the council had sent numerous letters to remove the fence and the resident ignored the council and I feel this is wrong. I believe they don't own the land either as I knew the previous owner and they were allowed to buy this land for an extension so can't see why this new resident should be allowed. The way the street lighting is, this new fence creates dark walkway from the field into Falkirk which could be unsafe with elderly residents in the area.

-I strongly object to this. I have lived on this estate for over 40 years and pass this land most days. It is shocking how this was taken before asking. I only found out today that they have applied to have the fence. Who owns the Land? They have not bought it surely?

-I have to add weight to the fantastic objection posted here on the 9th December where they have stated the obvious and highlighted references for the objection.

- Impact of landscape: The approach to this corner is the only way into this housing estate for most residents in the upper half of Highfields. Before this land was stolen and a fence put up, you could walk up and see the whole of the estate open up as you approached, now you are confronted with a 6ft fence line which is an eyesore and no vision of who might be lurking around it.

-Inappropriate design: A 6 ft fence in this area is inappropriate.

-Loss of amenity: This well kept and closely mowed corner was a regular meeting place for dog walkers and children. The comments to support this case on here referring to dog walkers and defecation is ludicrous and not true. The dog owners all pick up and bin dog poo.

-Non-compliance: I think the previous objection on here points all of this out.

-Nuisance

-This 6ft fence has now added a 6mtr alleyway down between houses. Kids already gather here and you don't know who else lurks here until you get to this point. It is now very intimidating on these darker nights.

-Out of keeping with the area. If this was tucked away somewhere at the end of a street that would be debatable, but this is the most prime position on entry to the estate.

-Poor pedestrian safety: I have witnessed a child on her bike come flying through the alleyway and this resulted in an elderly woman falling, she did not hit the woman but close enough to cause the fall. Adults on bikes also use this at speed and eventually this will cause an accident.

The other safety aspect is the fact people can loiter and step out at the last moment if they had any intention of lawbreaking.

-Precedents will be set: Many people on this estate are looking at this case and discussing it between themselves, if planning permission is given to the owners there will be many left confused who have been recently rejected on their own application on similar cases.

-It is believed that the owner holds a managerial position with North Tyneside Council and this has led to much speculation that preferential treatment is being handed out on this application, considering this has been erected since May 2021 where they have been informed to take it down on more than 1 occasion.

-I wish to object to this planning application on the basis that this is the main thoroughfare for pedestrians entering the majority of estate and since the "theft" of this public land the merging of the 5 footpaths at this point has now become an area which large groups of "kids" now congregate on a nightly basis, it's now an area not just the elderly but everyone I've spoken to find it intimidating to walk through now that the space is enclosed since the erecting of this fence without ownership of the land and planning permission. This used to be a lovely entrance to the big field but it's now become an eyesore and if allowed to go ahead then this surely allows other residents to do as they like and take more open green spaces on the estate that was designed with this in mind.

-I lived on the estate years back and have family on Highfields. Been back over Christmas and appalled by this land grab and new fence and ruins the pedestrian entrance to the estate both aesthetic and safety perspective as well as setting a precedent.

-The fence now creates a narrow walkway leading from the bus stop and underpass onto the field and other paths. It also creates an even narrower walkway between 36 Falkirk and 38 Falkirk where you cannot see if anyone is hiding for anyone walking through late at night or early morning. Several residents are now fearful, and this is documented in the other objections. In particular there a number of female residents who work very early shifts at Morrisons and do not like walking through this way anymore – women's safety has been a national concern. I understand and this was recorded by the police an attempted mugging just before Christmas on the pathway - this has not happened on the estate before and further raises concerns about public safety. Previously you had a good view ahead of you - now you don't.

- The land is not the applicants to just take. It belongs to Barratt Developments just like the other open amenity spaces on the estate which residents enjoy, is one is one of the benefits of living on the estate, as planned by Barratt as the estate is and must remain open plan. Newer estates do not provide such benefits and the benefits enjoyed by residents of Highfields must not be lost - a precedent would be set, and the estate would be changed for ever and not for the better.

-Each house on the estate in the legal pack will have a conveyance made on the 2 November 1971 that the entire estate site was bought by Greensitt and Barratt from Northumberland County Council. Within that it explains that all footpaths, roads and open spaces when the estate is complete will be offered to the council for adoption and maintenance - something that did occur, and North Tyneside Council have maintained the open spaces including this piece beside No.36 for nearly fifty years now. In addition, Barratt still hold rights on the entire estate, even freehold properties in that you have to ask Barratt permission for extensions, etc. something I had to do years ago and even though I was freehold. So as far as I am aware, the land is not the applicants to take and fence off for personal gain and the detriment of the other residents.

-It will be very interesting to see how North Tyneside planning deals with this application taking into account a very similar application only last year where they "Refused this application" and this was in a not so prominent location (Ref: 21/00972/FUL).

-Can I start out by commenting on behalf of many residents who were shocked to see this fence erected last year without any permissions, we were all led to believe that the council had served notice to have the fence removed. It was only by chance that a neighbour living at an address before number 36 mentioned they had a letter in relation to an application to change the use of this land, what I cannot understand is that no one from number 38 to 44 received this letter and were not aware of the application.

-Without having the letter I did go online to see this application at the later stages of going to a decision and have made some objections to the case. Can I also point out some untruths about the resident's application and the letter they wrote to back this up? In the letter they paint a picture of the land being neglected and in need of tidy ups by No36, can I say that this is not true. I have lived with my parents and bought the house from them at No 40 for more than 45yrs and this land actually was covered originally in overgrown shrubs causing concern to residents of safety when passing, the council therefore landscaped this back to a grassed area to purposely open it up and have a better viewing when approaching this corner. This grassed area has never been abandoned and has not needed any maintenance by any neighbour as it is part of the grass cutting teams regular visits from spring to autumn, and they have never had any reason to not maintain this patch of land.

-I also notice on the application that, Item No 24. Authority Employee/Member, was ticked as yes but failed to list their role and relation to each other, bearing this in mind he does work for North Tyneside Council and it should be disclosed.

-Can I also ask why the "Internal target date" has moved from 6th January on to the 13th February.

4.0 External Consultees

None