

**25.01.2018 ADDENDUM**

**Item No: 5.2**

<b>Application No:</b>	<b>17/01743/FUL</b>	Author:	Rebecca Andison
Date valid:	22 November 2017	☎:	0191 643 6321
Target decision date:	17 January 2018	Ward:	Tynemouth

Application type: full planning application

**Location: Access Points To Percy Gardens Tynemouth Tyne And Wear**

**Proposal: Installation of replacement gates for vehicular and pedestrian access to Percy Gardens**

Applicant: Percy Gardens Trust, C/o DPP

Agent: DPP, Mrs Jen Patterson Milburn House Dean Street Newcastle Upon Tyne NE1 1LF

**RECOMMENDATION:** Application Permitted  
**INFORMATION**

**RECOMMENDATION:** Application Permitted

Additional information

The applicant has provided the attached response to objectors concerns.

# *Percy Gardens Trust*

Anne-Marie Purvis Secretary Percy Gardens Trust Committee  
email: [percygardens@googlemail.com](mailto:percygardens@googlemail.com) website: <http://percygardens.co.uk/>

Ms R Andison  
Senior Planning Officer  
North Tyneside Planning Department

Dear Rebecca,

## **Installation of Gates, Percy Gardens, Tynemouth** **Planning Ref: 17/01743/FUL**

Please find attached our response to the objections filed by Dr J Harvey and Mr N Bryant (representing TCAMS Planning Group) and Cllr K Bolger

### **TCAMS**

#### **Comments of TCAMS Planning Group**

Percy Gardens Trust Committee is a member of TCAMS and have representation at TCAMS meetings. We have no knowledge of the gate proposal being discussed at meetings nor has TCAMS consulted with us regarding the filing on behalf of the group of this objection.

#### **Private road status**

Percy Gardens is a private road and there is no confusion over this status. The road, pavement and gardens are leased to the residents (represented by Percy Gardens Trust Committee) by the Duke of Northumberland under the provisions of the Indenture dated 11<sup>th</sup> March 1881. The road is maintained by the residents of Percy Gardens living within the gates (at their own expense). The Council do not maintain the road and it has not been adopted by the Local Authority.

#### **Concerns of non-residents outside the gates**

The responses from Dr Harvey and Mr Bryant appear to be based on the concerns of a few individuals who live just outside the gates. It is unclear if/how they have consulted with anyone else in forming their view.

The DPP response includes further consideration of the traffic turning at the gate and how there is no problem envisaged. As for the taxi queue, this rarely reaches as far as the gated area, and on occasion it does (Friday or Saturday evenings), there is little resident traffic and no deliveries being made. If taxis are using this area as a turning point to return to Tynemouth this is a matter which the residents concerned need to take up with the Council directly as it has no significance to the gated area.

### **No reason to replace the gates**

This statement suggests that there has been consultation with residents of Tynemouth as a whole. Given the weight of public comments in support, the definition of ‘many’ in this instance is likely to be the few who live just outside the gates who are not entitled to use the road or gardens.

We are also extremely surprised by this comment as the gates were an impressive and important part of Tynemouth’s history. TCAMS own management strategy is “to preserve and enhance the character and appearance of Tynemouth Village Conservation Area”. We do occasionally use a moveable barrier to close the private road during festivals and bank holidays. This has never caused a problem and therefore replacing a static barrier with an automatic gate will surely be even less disruptive.

### **Picture shows gates standing open**

The observation that in the historic picture the gates are open seems odd. The picture has captured a moment in time and does not suggest that the gates were always open.

### **Delivery vehicle volume**

Deliveries to the street are addressed in both the application letter and further response from DPP dated 21.12.2017.

In terms of servicing, refuse collection takes place via the back lane only and all contractors are asked to use the back lane where practical and possible. General Royal Mail deliveries are made on foot although a code can be provided to the Post Office if required. For other general deliveries, the four digit code would be provided as the ‘special instruction/direction’ by residents and the delivery driver would simply input this on the keypad mounted on the right hand side gate post for convenience. Therefore any noise from stopping and starting outside the gates would be minimal – all delivery organisations are familiar with gated access which is not uncommon across the country.

### **Pedestrian gates**

The pedestrian gates incorporate an effortless handle at low level to allow for wheelchair users to operate and also contain gas strut closers to ensure that the holding force can be set to allow ease of opening and closing for pedestrian safety. We do not anticipate a queue of people forming to walk down the gardens and the soft close ensures any noise from operation will be minimal. The pedestrian gate will remain unlocked and can therefore be accessed by anyone.

### **Parking requirement**

The residents of Percy Gardens pay to maintain the road, which is in reality similar to a communal driveway, paid for and maintained by the residents, in the same way as house owners park on their personal drives. Percy Gardens is a private road and the gates are the only practical alternative to ensure residents are able to park on their own street. We do not see this as a “privilege” and indeed when members of the public park on Percy Gardens

it is equivalent to someone parking on a private driveway.

The suggestions that the 'No Entry' and 'Private' signs are sufficient to stop any unauthorised parking or vehicles driving the wrong way up the street are incorrect as unfortunately this happens regularly. Our residents' experience is that people do not respect this is a private road and residents are quite frequently met with abuse when challenging illegal parking. The Council are also losing revenue due to people parking in our street and avoiding meter parking in Tynemouth.

Our residents have witnessed cyclists and drivers using the road as a short cut to avoid the 20mph Sea Banks restriction. As we have both elderly people and young children living in Percy Gardens, we are now concerned that the speeding has now become dangerous to families and those crossing the road to access their communal front garden.

### **Percy Gardens as an 'attraction'**

Percy Gardens is a private road and private gardens which are maintained and paid for by the residents alone. The pedestrian gate will remain unlocked and can therefore be accessed by anyone who wishes. Percy Gardens is not a tourist attraction but a private street of residences. We are aware that this is an area of historical interest. As such, we would draw your attention to paragraph 2.2.2 of the Capita TCAMS Supplementary Planning Document 2014 which states the objective "to conserve and enhance the character and appearance of the conservation area, and to increase understanding and enjoyment of its heritage today and for future generations". The document also covers gates, stating that the reinstatement of railings should be encouraged. We feel the reinstatement of the gates to their former glory will enhance the heritage of Tynemouth Village.

The National Lottery Heritage Fund stated some time ago that funding would not be available to support replacement of the railings around the gardens. As our residents experience parking problems and dangerous driving on an almost daily basis, they feel replacement of the gates would be a beneficial cause to contribute their own money.

### **Emergency Service**

Emergency vehicle access was clearly a concern of the residents that had to be satisfied before they voted overwhelmingly in favour of the gates being replaced. The emergency services will ask for the code which will be provided by the caller. Emergency services encounter gates all over the country, including in North Tyneside and Tynemouth, without problem.

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## **CLLR K BOLGER**

### **1. Traffic congestion**

Highways recommended approval of this application having fully reviewed it in line with the proposal. We do not foresee a queue of people waiting to enter the gardens at any one time. Taxis queuing on double yellow lines on weekend evenings and turning at the South end is an issue which the residents outside of the gates need to address separately.

## **2. Nuisance**

Residents will have the pin code to enter (in addition to fobs), as will delivery drivers and emergency vehicles. We do not foresee queues forming. The gates mechanism is soft close and noise will be minimal.

## **3. Emergency Vehicles**

As already stated in responses, emergency vehicle access was a concern of the residents which had to be satisfied before they voted overwhelmingly in favour of the gates being replaced. The emergency services will ask for the code which will be provided by the caller. Emergency services encounter gates all over the country, including in North Tyneside and indeed Tynemouth without problem.

## **4. Residents not in total agreement**

All owners were given the opportunity to vote on the gates proposal. Of those who voted, they voted overwhelmingly in favour of the gates. The statistics are given in the DPP response (dated 21.12.2017).

## **5. This will set a precedent**

There are already gated streets and estates situated all over Tyne & Wear including Camp Terrace, which is mentioned in this Cllr Bolger's objection.

## **6. Vehicle volume**

Some residences use the back lane for access already and commercial/delivery vehicles use it where possible. These are indeed multiple occupancy residences, which are mostly all occupied, so we do not see an increase in vehicle numbers.

## **7. Previous gates**

The observation that one historic picture shows the gates open does not suggest that they were kept open. Although the gates were removed to assist the war effort, the pillars remained, suggesting that there was always the intention of reinstallation at some point in the future. The gates were an impressive part of Tynemouth's heritage.

## **8. Speeding**

Our residents are aware of cyclists and drivers using the road as a short cut to avoid the 20mph Sea Banks restriction. As we have both elderly people and young children living in Percy Gardens, we are concerned that the speeding has now become dangerous to families and those crossing the road to access their communal front garden. Cyclists who speed down Percy Gardens are also causing danger to themselves as the residents parking bays are narrow to depart, with restricted view.

## **9. Parking**

This is a private road which is not maintained by the Council. The residents of Percy Gardens pay to maintain the road.

Yours Sincerely

Anne-Marie

Anne-Marie Purvis Secretary Percy Gardens Trust Committee

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**Attachment A**

*Tynemouth Village Conservation Area Management Strategy*

*4. Protecting and Enhancing the Conservation Area / Part 2 / Class A*

Tynemouth Village Conservation Area Management Strategy  
Supplementary Planning Document  
April 2014

4. Protecting and Enhancing the  
Conservation Area

Part 1 Class D	Dwellinghouses: Porches	The addition of porches to front façades is not having a big impact on character. There is some evidence of them in the inter-war housing but not to great detriment.	LOW
Part 1 Class F	Dwellinghouses: Hardstandings	The area's residential streets, especially for houses built since the Victorian period which tend to have larger gardens, have a very green character. But there are many instances where gardens have become hardstanding, using surfaces which are not sympathetic and which increases water run-off. Hardstanding PDRs have been made stricter in recent years but can still be exercised when adequate drainage is put in place. Further alterations would be detrimental to the character of the area and this should be monitored.	MED
Part 1 Class G	Dwellinghouses: Chimneys and flues	The character appraisals highlight harm to the area where chimneys have been dropped in height capped or have lost decorative features. Chimneys are an important part of the area's architectural quality and further losses would be regrettable.	MED
Part 2 Class A	Minor Operations: Gates, fences, walls or other enclosures	There is evidence in several parts of visual harm caused by having different walls, railings and fences, and at different heights, materials, colours and detailing. Some variation can be absorbed without harm, but excessive variety will erode the area's special character, particularly where the unity of terraces is harmed. Of special importance is the existence of hedges as they have a unifying impact over the variety of walls and railings. Historic railings, which are rare, should be retained and repaired. Reinstatement of railings in suitably robust designs and materials is encouraged.	MED