

North Tyneside Council

Report to Cabinet

Date: 28 November 2022

Title: Land at Newsteads Drive, Monkseaton

Portfolio(s):	Deputy Mayor Finance and Resources	Cabinet Member(s):	Councillor Carl Johnson Councillor Martin Rankin
Report from Service Area:	Commissioning and Asset Management		
Responsible Officer:	Mark Longstaff Director of Commissioning and Asset Management		(Tel:(0191) 6438089)
Wards affected:	Monkseaton North		

PART 1

1.1 Executive Summary:

This report asks Cabinet to consider representations that have been made to the Authority in relation to statutory advertisements confirming the Authority's intention to dispose of an area of land within its ownership at Newsteads Drive in Monkseaton, ("the Land"), and which is classed as public open space. The Land is shown by a dark outline on the Appendix Plan.

Under section 123 of the Local Government Act 1972, there is a legal requirement for the Authority to advertise its intention to dispose of public open space within its boundaries for two consecutive weeks in a local newspaper circulating within the area, and to consider any objections or representations made.

The Authority has undertaken this procedure twice in respect of the Land for the reasons outlined in Section 1.5, and Cabinet is asked to consider the main points of objection and of support put forward in the 84 representations received.

1.2 Recommendation(s):

It is recommended that Cabinet determine whether or not to set aside the objections received in relation to the disposal of the Land and, if appropriate, reaffirm authorisation to the disposal of the Land.

1.3 Forward Plan:

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 14 October 2022.

1.4 Council Plan and Policy Framework

This report relates to the following priority in the 2021-2025 Our North Tyneside Plan:

A Secure North Tyneside

We will tackle health and socio-economic inequalities across the borough.

1.5 Information:

1.5.1 Background

The Land which is shown by dark outline on the Appendix Plan was declared surplus to the Authority's requirements on 14 December 2021, in accordance with the Officer Delegation Scheme. Approval was also given for it to be made available for disposal by private treaty.

The proposed disposal of the land is to facilitate the construction of a new medical centre to replace Beaumont Park Medical Centre. The existing building dates back to 1984 and no longer complies with current NHS design standards. The design of the building is prohibiting service delivery to patients as the building is 70% smaller than it should be based on the NHS size requirements for health care premises linked to the number of patients a practice has registered with it.

Over the last ten years the Beaumont Park Medical Practice, ("the Practice"), has modernised and reconfigured the existing building as much as possible, but it is no longer feasible for it to carry out any further work that will help to meet patient needs.

Therefore, the only option currently available for the Practice is to relocate into a new purpose-built medical centre and the Land at Newsteads Drive has been identified as being capable of accommodating a building that can meet the latest NHS standards with improved accessibility for all patients.

As the Land is classed as public open space it is subject to the relevant provisions of the Local Government Act 1972. The Authority must therefore advertise its intention to dispose of the Land in accordance with Section 123 of the Act and formally consider any representations made.

This must be done by placing notices advertising the proposed disposal for two consecutive weeks in a local newspaper and the Authority's intentions were originally advertised in the Journal newspaper on 22 December 2021, and 29 December 2021, respectively. The closing date for the receipt of representations was set as 21 January 2022.

Prior to the closing date, 46 representations were made to the Authority of which 42 were objections to the proposed disposal and 4 were in support of it. These were reported to Cabinet on 23 May 2022, when the decision was taken to uphold the objections and not progress the sale of the Land.

1.5.2 Current Position

On 30 May 2022, the Practice found it necessary to apply to NHS North East and North Cumbria Integrated Care Board, ("the NHS Care Board"), for a temporary closure of their patient list.

This was because the existing surgery building had become full to capacity and the lack of additional space was also causing the added difficulty of being unable to recruit staff to effectively manage anything greater than the numbers on their current patient list.

The size of the patient list for the Practice as at the 1 April 2022, was 6,848 with the two full time GP's each serving 3,424 patients. This compares with 1,387 patients per full time GP which is the average for the surrounding practices.

The Practice has tried to recruit to new and existing clinical posts but consider that the restrictions with respect to the premises and the need for hot desking and vacating rooms at the end of a session is off putting to applicants.

Based on the information provided by the Practice and the need to ensure that service provision remains safe for existing patients on the list, the NHS Care Board agreed to the closure of the Practice patient list with the following exceptions:

- Continuation to register new-born babies and dependent children of existing patients.
- Continuation to register patients from the practice's aligned care home.

1.5.3 Implications of the List Closure

The closure of the patient list reduces the choice of GP practices for patients that reside in the area. It also means that those patients who live close to the Practice will have to travel further to access GP services.

There is a knock-on effect to the surrounding practices that take on these patients and the effect that has on access to their services. There is a significant risk to the ongoing viability of the Practice and if the NHS contract were to be handed back due to the challenges the Practice faces, it is likely to end in a list dispersal.

Were the Practice to close, the impact of more than 6,000 patients needing to find an alternative GP practice to register with would have a significant negative impact on surrounding practices. Additionally, this would leave no GP provision in north Whitley Bay, which would have implications not just for the local residents, but for the future residents from the planned residential developments in the area.

For these reasons the Practice and the NHS Care Board asked the Authority to reconsider its position regarding the sale of the land at Newsteads Drive.

As the list closure had occurred since the decision of Cabinet on 23 May 2022, the matter was considered by the Strategic Property Group on 17th August 2022, when clearance was given for officers to undertake the Section 123 Public Open Space procedure again.

The Authority's intentions were advertised again by placing statutory notices in the Journal newspaper on 7 September 2022, and 14 September 2022, respectively and the closing date for the receipt of representations was set as 7 October 2022.

38 representations were received by the closing date of which 31 were objections to the proposed disposal of the land and 7 were in support of it. Of the 31 objections received it should be noted that 14 were from members of the public who objected to the original notices that were placed in the Journal in December 2021, whilst of the 7 members of the public supporting the proposed disposal, 1 also supported it in December 2021.

In addition to this the Authority received letters of support from the NHS Care Board, Newcastle and North Tyneside Local Medical Committee, and Whitley Bay Primary Care Network. The Authority also received the results of a patient survey from the Practice.

It is considered appropriate for Cabinet to take into account all the 84 representations received in response to both the notices placed in the local press during December 2021 and the more recent notices placed in the press during September 2022, when considering their decision on this matter.

It should be noted that 13 objections and 3 representations of support were received after the closing dates and whilst these have not formally been considered, the main points of objection and support are similar to those detailed in Sections 1.5.4 and 1.5.5 below.

1.5.4 Representations Objecting to the Proposed Disposal of the Land.

The main points of objection are summarised in bold type below and numbered 1 to 17, together with responses provided by the agent acting on behalf of the Practice, the Authority's officers and the NHS Care Board, where appropriate. Numbers 1 to 14 were the main points of objection in response to both sets of notices placed in the press in December 2021 and September 2022, with an additional 3 points of objection numbered 15 to 17 being in response to the latest press notices.

- 1. The land is regularly used by residents for recreational purposes (children playing out, dog walking and fitness groups etc) the loss of this space will negatively affect the community.
Loss of green space – negative impact on the visual amenity of the estate and potential biodiversity implications.**

Officer Response

The total amount of public open space in this location is approximately 0.92 of a hectare. The land required for the medical centre is 0.13 of a hectare. This represents 14% loss of the total amount of public open space with 86% remaining available for recreational use.

- 2. Traffic concerns – the road is already busy/congested due to the supermarket. It is also a popular bus route. It would not be safe to have a new junction in this location.**

Officer Response

A Transport Statement (TS) will need to be submitted as part of any potential planning application. This will assess traffic generated by the proposal and its impact on the adjacent network to determine if the site is suitable and can be accommodated at this location without a severe impact on highway safety or congestion.

The TS will also look at public transport provision and accessibility for pedestrians, wheelers and cyclists and identify any improvements deemed necessary. The proposed site access is at the northern part of the site and as such, the approximate distances to nearby junctions are – Sainsbury's service road (37m), Sainsbury's main access (120m) and Newsteads Drive spur (72m), which all comply with recommended distances.

- 3. Parking concerns – will there be enough spaces at the centre? Residents concerned that patients/visitors will park in the residential areas if can't get space at the centre.**

Agent Response

The number of parking spaces will be determined and assessed by the Local Planning Authority in order to provide sufficient car parking spaces for ambulatory and disabled users of any new medical centre in this location.

A number of patients at the existing surgery walk to the Practice and it is anticipated that this will continue.

Officer Response

Current parking requirements for this type of use are 5 spaces per consulting room plus 1 disabled space per 20 spaces.

A drop off and pick up area will be required close to the main entrance for ambulances and other vehicles and there will also be a requirement for Electric Vehicle (EV) charging points to be installed. There is an expectation from the Local Highway Authority that these parking standards will be met.

- 4. Noise concerns - Residents already have the nightly noise from Sainsbury deliveries and building work. They do not want further noise/disturbance during the day. Noise from the construction of the centre. Noise from emergency vehicles too.**

Agent Response

There will be some noise associated with the construction of the new building, but hours of work are expected to be limited by planning condition. The chosen building contractor will be expected to be comply with the Considerate Constructors Scheme under which it must respect the community, care for the environment and value its workforce.

The site will not be used by emergency vehicles unless there is a patient emergency. The new centre is not an Accident and Emergency or similar facility.

- 5. Already another medical centre nearby**

Agent Response

The new centre is a replacement/relocation of the Beaumont Park Medical Centre which is the nearby medical centre. The new centre will enhance and improve the primary care medical facilities in the area for patients.

- 6. Restrictive covenants – some residents are under the impression there are restrictive covenants on the land and that it must be used for recreational purposes. They had correspondence confirming when they first purchased their properties in the 90s.**

Officer Response

A check of the Authority's title to the Land has not revealed any onerous restrictive covenant.

- 7. Centre user concerns – will this be an all hours walk in centre? Potential for “belligerent and/or drunk individuals demanding treatment.**

Agent Response

The new centre will not be an all hours walk in centre.

8. Light concerns – how will the building impact those directly adjacent?

Agent Response

The building will be designed to very strict light pollution standards and no impact is expected to adjacent properties.

9. Views – will impact the view from adjacent properties.

Agent Response

Views from adjacent properties of the new centre are a primary concern to the design team which will be fully considered and assessed by the Local Planning Authority and effects minimised.

10. It will set a precedent for the loss of other green spaces across the borough.

Officer Response

The proposed disposal of this area of public open space will not set a precedent for the loss of other green spaces in the borough. Any proposal to dispose of an area of open space within the Borough will be considered on its individual merits and the Authority must follow the same procedure and advertise the potential disposal and consider any representations made.

11. Security issues - residents will no longer feel safe at home with a public building located in close proximity to their homes. Feel that their health and security will be significantly compromised.

Agent Response

The Practice is not aware of any similar concerns from residents adjacent to the existing Beaumont Park Medical Centre. Medical centres are a community facility generally situated in residential areas within the populations that they serve.

All activities associated with the proposed medical centre will take place inside the building. There will be some associated car movements, but these are not expected to be substantial.

12. Concerns on biodiversity issues on the subject site.

Officer Response

The Authority's Local Plan identifies the site as open space, and it is within a wildlife corridor. In considering any future planning application, the development proposals would be assessed against a range of national and local planning policies including those relating to the loss of green space and biodiversity.

13. Concern as to lack of consideration of other sites for the Medical Centre

Agent Response

Work to try and identify a site for the relocation of Beaumont Park Medical Centre has been ongoing since 2019.

Other areas of land that have been considered have had to be discounted for various reasons such as being too small to accommodate the size of building required, being too remote from the catchment area of the Practice or having access issues.

14. Concern that the area was previously Open Cast Mining

Agent Response

Ground investigation works will need to be carried out before any development takes place to check the suitability and stability of the land for the proposed development

15. Additional traffic will lead to additional air pollution

Officer Response

The change towards electric vehicles is likely to off-set any pollution from additional traffic.

16. There are already other facilities close by Monkseaton Health Centre, Shiremoor Resource Centre, Park Parade Surgery and many other medical practitioners

Care Board Response

The closest GP practices to the current Beaumont Park Medical Centre are Marine Avenue Surgery and Monkseaton Medical Centre. These two GP practices are both one mile away (walking distance) which equates to a 20-minute walk (based on mapping software). The Practice is the most northerly practice in Whitley Bay meaning that any residents living in the estate to the North of the current Beaumont Park Medical Centre, or Whitley Lodge, would have a greater distance and travel time than the one mile and 20 minutes listed above to access healthcare. For many this distance will not cause a challenge but there is a clear risk that the additional distance makes accessing services harder for less mobile or frailer resident.

Increasing the number of patients from the area that need to register with other GP practices will also add additional pressure and demand on those services to manage and cope with. The planned building works that form part of the North Tyneside Local Plan, such as Murton Gap, will increase the number of local resident and therefore demand on all of the GP surgeries in this area. As a result, there is already an increase in patients expected to use the other facilities that are listed.

17. Concerns regarding the ownership and leasing arrangements of the existing Beaumont Park Surgery

Officer Response

The ownership and leasing arrangements for the current Practice building are not relevant to this report.

1.5.4 Representations supporting the proposed disposal of the land

The main points of support from the representations are summarised below: -

- 1. The current local practice building in the area is too small to accommodate the of patients.**
- 2. There have been two occasions in the last 5 years when Beaumont Park Medical Practice has had to apply to NHS England for a temporary closure of their patient list due to the lack of space and facilities to accommodate the increasing number of residents registering with the Practice**
- 3. No designated parking at existing local practice.**

4. The proposed new practice building will be in close proximity to current local practice and so will not cause inconvenience for patients to travel to.
5. Beaumont Park requires 21st century facilities to give 21st century service. The proposed site protects most of the parkland behind and indeed shelters it from Newsteads Drive. This proposal appears to protect everyone's interest and supports NHS presence in Whitley Bay and Monkseaton for many years to come.
6. The open space at Newsteads Drive is mainly used by dog owners exercising their pets. There will still be ample space for this purpose if the surgery is relocated and in addition there are many other dog-friendly green spaces in the locality.
7. The proposed building would not look out of place in an area of mixed development and would be well located to serve the residents of Beaumont Park and Whitley Lodge Estates and also those of the Newsteads Drive area and West Park Estate.
8. The current practice building is not fit for purpose and does not meet modern day and future needs. The proposed building is well thought out. It is local and its proposed location should be accepted as fair and reasonable. It does not take acres of "green space" and would take up a very small area in relation to the surrounding houses.
9. A new medical centre is needed. Dispersing patients around the area would be the worst situation as it would create overcrowding elsewhere.
10. The proposed development would allow the expansion of the services offered to include mental health support, social prescribing and health promotion (dietician, physiotherapists, pharmacist etc.)
11. The benefits of a new GP practice outweigh the small loss of the green space.
12. The footprint of the proposed building isn't as large as expected and a new practice building would be very beneficial to the local area.

Other representations received in support of the proposal were as follows: -

The NHS Care Board: -

"We want to ensure there are good primary care services available to all local residents and to do that the Practice needs to relocate. The NHS Care Board is supportive of the Practice relocating to the proposed location which works well in terms of geographical location (proximity to current practice), access, and public transport links.

Unfortunately, the Practice has needed to apply to close their list which restricts access to general practice services in the area. Without a viable alternative to Newsteads drive, and therefore a long-term plan for the Practice, it would raise questions about its long-term viability should the proposed move not be successful."

Newcastle and North Tyneside Local Medical Committee

“The Practice is currently housed in premises which are no longer fit for purpose, and I understand the scope for improving the existing premises has been exhausted.

With the development of new roles in primary care, the surgery needs to accommodate increasing number of staff and they cannot do that in the current building. This limits the services they can deliver. Many of the existing rooms no longer meet current standards and this leaves the Practice no option but to seek new premises.

We understand that a suitable site has been identified, but it is within green space and would reduce the area of that space. This may have an impact on local residents, but we think the impact would be greater were they to lose their local surgery.”

Whitley Bay Primary Care Network

“The Practice is currently operating from premises that are unfit for purpose and as a result, have been forced to close their patient list.

To deliver effective and modern healthcare to our neighbourhood population it is imperative that the Practice operate from premises that are fit for purpose.

There is a serious concern, that there will be significant pressure put upon neighbouring practices should the Practice be unable to peruse larger and improved premises and continue in their present building with a closed list.”

1.5.5 Patient Survey

The Practice has submitted a patient survey to the Authority which was completed by 551 (8%) of their patients. The survey was completed by email or on paper and was accessed via the Practice website, a QR code and on paper. It was open for 6 weeks and provided the following results:

86% of the patients that completed the survey supported being able to access more services within a new building.

91% supported the proposal to relocate to larger fit for purpose premises a short distance away from the current Practice premises.

62% felt that the existing Practice building was of an unsatisfactory standard to meet the needs of patients.

86% agreed that the relocation of the surgery would not cause them any concerns.

1.5.7. Ward Member Consultation

At its meeting held on 8 June 2021, the Authority’s Strategic Property Group asked officers to consult with the Monkseaton North Ward Members on the proposed disposal of the Land.

The Ward Members subsequently confirmed that they remain concerned about potential issues resulting from the proposed disposal and the following comments were provided by Councillor Joe Kirwin on behalf of all of the Ward Members: -

The ward has very little green space.

The residents who live on the adjacent streets to Newstead's Drive are statistically much older, have higher rate of physical disability and there is one care home and one assisted living facility. Building on this site would significantly reduce to amount of green space they currently have access to.

The Practice could grow by adding an extra storey to the existing building, taking over an adjacent commercial property or reclaiming a bit of their existing car park.

There is other land attached to the West Park development that would be possibly more appropriate and less controversial.

Agent Response

The Practice has considered options to expand or reconfigure the existing premises on several occasions, but this has proven to be unviable. The current building has been re-configured as much as possible. The current footprint of the land that the building sits on is insufficient to expand the building enough to meet the needs of a rapidly growing practice

The structure of the existing premises would not take an additional storey being added to the same structure without substantially demolishing of the majority of the existing building.

Parking at the current site is a shared public space with no dedicated accessible spaces. The surgery has no allocated space for staff or patients.

Officer Response

If the proposed disposal of the Land proceeds, there will still be 0.79 of a hectare of land that will remain as public open space in this location which represents 86% of the total area of land currently available. This is considered to be a sufficient area of land to meet the recreational needs of the residents who live on the adjacent streets without impacting on their health and wellbeing.

The older residents and those with disabilities will also have improved access to modern medical facilities in close proximity to their homes.

1.5.6 Ward Member Update

In response to the latest notices placed in the Journal during September 2022, Councillor Joe Kirwin has reiterated his earlier concerns regarding the proposed disposal of the Land in addition to raising a concern regarding the impact of increased traffic on Newsteads Drive. Therefore, should Cabinet agree to set aside the objections, he has asked for the following matters to be considered: -

1. That Authority takes steps to protect the rest of the public open space at Newsteads Drive.
2. That Authority looks to ensure that the development is carbon neutral and for the developer to provide details of how they would offset their carbon footprint.
3. That the Authority considers the need for pedestrian crossings at Newsteads Drive.

1.5.9 Conclusion

Cabinet is asked to consider all of the representations given in Sections 1.5.4 to 1.5.8 in respect of the proposed disposal of the Land at Newsteads Drive.

1.6 **Decision options:**

Following consideration of the representations Cabinet may decide:

Option 1

To set aside the objections received in relation to the proposed disposal of the Land at Newsteads Drive and allow the disposal of the Land to proceed; or

Option 2

To uphold the objections received in relation to the proposed disposal of the Land at Newsteads Drive in which case the disposal cannot proceed.

1.7 **Reasons for recommended option:**

There is no recommended option.

1.8 **Appendices:**

Appendix 1: Land at Newsteads Drive, Monkseaton Site Plan

Appendix 2: Change Equality Impact Assessment

1.9 **Contact officers:**

Niall Cathie - Strategic Property Manager – Tel. 0191 643 6517

David Mason – Senior Manager Capital strategy and Planning

1.10 **Background information:**

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- (1) Advertisements in the Journal Newspaper (21 & 29 December 2021)
- (2) Advertisements in the Journal Newspaper (7 & 14 September 2022)
- (3) Representations Received
- (4) The Authority's land ownership records

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no finance and other resource implications in relation to the content of this report.

2.2 Legal

Under section 123 of the Local Government Act 1972, there is a legal requirement for the Authority to advertise its intentions to dispose of public open space within its boundaries for two consecutive weeks in a local newspaper circulating within the area, and to consider any objections or representations made.

This advertising requirement is the means by which local public opinion regarding such proposals can be obtained. Cabinet is required to consider the representations made and to decide whether or not to proceed with the disposal of the land.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The Strategic Property Group confirmed its support for the disposal of the Land at a meeting of the Group held on 17 November 2021.

On the 17 August 2022, the Group gave clearance to officers to undertake the Section 123 Public Open Space procedure again following the decision of Cabinet on 23 May 2022.

2.3.2 External Consultation/Engagement

Ward Members were consulted on the proposed disposal of the Land at the request of the Strategic Property Group when it met on 8 June 2021.

External consultation has taken place in accordance with section 123 of the Local Government Act 1972, by the placement of notices in the local press.

The Practice held two open public meetings on 3 October 2022 and 5 October 2022, at Monkseaton High School and the Immaculate Heart of Mary Roman Catholic Church, respectively, when plans of the proposed new medical centre were on display.

2.4 Human rights

There are no human rights implications directly arising from this report.

2.5 Equalities and diversity

An Equality Impact Assessment (EqIA) is included as an appendix to this report. It was undertaken to assess the impact of a new medical centre if it is built to replace the existing Beaumont Park Medical Centre.

The EqIA concluded that the proposed provision of a new medical centre for the Beaumont Park Medical Practice would significantly improve accessibility to medical services and the range of services that can be offered to practice patients. It will also

support the recruitment and retention of staff, thereby reducing waiting times for patients and staff workload. Any potential negative implications associated with the construction of a new surgery, if it is built, would be mitigated by actions undertaken during the planning process.

2.6 Risk management

There are no risk management implications directly arising from this report.

2.7 Crime and disorder

Crime and disorder issues will be considered as part of the planning process for any proposed development of the land at Newsteads Drive.

2.8 Environment and sustainability

Environment and sustainability issues will be considered as part of the planning process for any proposed development of the land at Newsteads Drive to ensure these are aligned with the Authority's targets under the Carbon Net-Zero 2030 Action Plan.

PART 3 - SIGN OFF

- Chief Executive X
- Director(s) of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Assistant Chief Executive X