

Item No: 2
Application No: 24/00122/FUL
Date valid: 29 February 2024
Target decision date: 25 April 2024
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Ward: Longbenton & Benton

Application type: full planning application non major

Location: Conservative Club, Benton House, Front Street, Benton, Newcastle Upon Tyne

Proposal: Change of use from conservative club and residential use to education use (Class F1), associated external alterations to the building, and alterations to the grounds including provision of a multi-use games area and new fencing

Applicant: Acorn Care and Education

Agent: Alder King Planning Consultants

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

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

- whether the principle of the development is acceptable, including the impact on the heritage assets,
- the impact upon amenity,
- highway matters,
- biodiversity; and,
- other issues.

1.2 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 application site is located on the southern side of Front Street. The building, Benton House (former Conservative Club) is Grade II Listed and located within the Longbenton Conservation Area. The site is bounded to the south by

grounds characterised by hardstanding, a square lawn and a Grade II Listed ha-ha. The property is essentially divided into three elements: a central block, an eastern wing and western wing. The central block and eastern wing are currently disused. The western wing is in residential use. Vehicular access is from Hoylake Avenue.

2.2 The site is bound to the south, west and east by mature trees and existing palisade fencing. Most of the trees at the rear are protected by a Tree Preservation Order (TPO). The surroundings are mixed including residential uses southeast of the site. Newcastle Reformed Evangelical Church is southwest of the site. The Exchange, a building to the east, of the site is in mixed use as a gym and residential use. There is a tattoo shop located within Benton House, on Front Street. The applicant has confirmed this is not within the application site.

2.3 Listing Descriptions:

2.4 The listing description for Benton House (Conservative Club) is as follows: House, now club. Late C18 and C19. Built for T.C. Bigge (1739-94). Sandstone ashlar; graduated Lakeland slate roof. 2 storeys; 1:3:5 bays. Main block of 5 bays has inserted sash window in central Tuscan porch with fluted necking; glazing bars to 2 sashes either side; none to renewed first floor sashes. Sill and floor bands; dentilled broken pediment over central 3 bays, and dentilled eaves gutter cornice; floating cornice above central window. Wing set back at left has pedimented first bay containing tripartite windows, transomed on ground and sashed at first floors; eaves cornice under keystone roundel in pediment. Half-glazed central door (with large overlight) in 3-bay linking section which has renewed sash windows and early C20 pedimented dormer. Hipped roof with ashlar chimneys. Interior damaged by fire. Shop inserted in rear of first bay: see under Front Street.

The building was listed on the 27.02.1950.

2.5 The listing description for the Ha-Ha South of Benton House is as follows: Ha-ha. Late C18. Sandstone rubble wall, with flat stone coping, has ashlar right return and 4 stone steps at right.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for a change of use from a Conservative Club and residential use to education use (Class F1), associated external alterations to the building, and alterations to the grounds including provision of a multi-use games area (MUGA) and new fencing.

3.2 The proposed external alterations include:

- Non original door and ramp removed and replaced with a new window to match existing. New stonework infill and cell to match existing frame profiles.
- Original entrance and door reinstated.
- New entrance doors to replace existing.

3.3 The proposed MUGA is proposed to the south of the substation adjacent to The Exchange.

4.0 Relevant Planning History

4.1 The most recent history is set out below:

24/00123/LBC - Internal and external alterations to the listed building associated with its conversion to a school (Amended description 01.03.2024) – Pending decision

21/01334/FUL - Changing roof covering (Additional information received 16.08.2021) – Permitted - 24.09.2021

21/01335/LBC - Changing roof covering (Additional information received 16.08.2021) – Permitted 24.09.2021

There have also been planning applications submitted in relation to works to the trees on the site due to their TPO's.

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policies

6.1 National Planning Policy Framework (NPPF) (December 2023)

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 Local Planning Authorities (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

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

- whether the principle of the development is acceptable, including the impact on the heritage assets,
- the impact upon amenity,
- highway matters,
- biodiversity; and,
- other issues.

8.0 Principle of the development and impacts on heritage assets

8.1 The Local Planning Authority must have regard to its statutory duty to ensure the preservation and enhancement of the character and appearance of conservation areas, as outlined in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It must also have special regard to the desirability of preserving the listed building or its setting or any features of special

architectural or historic interest which it possesses under section 66 of the same Act.

8.2 The NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to the local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.

8.3 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF paragraph 139).

8.4 The NPPF sets out government policy on the historic environment, which covers all elements, whether designed or not, that are identified as 'having a degree of significance meriting consideration in planning decisions, because of its heritage interest'.

8.5 Paragraph 194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail required in the assessment should be 'proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance'.

8.6 Paragraph 201 explains that 'where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh harm or loss.

8.7 Paragraph 202 advises that where a proposal involve less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In weighing applications that affect directly or indirectly non designated heritage assets. Paragraph 203 states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

8.8 Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

8.9 Paragraph 206 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or

from development within its setting), should require clear and convincing justification.

8.10 Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. (NPPF paragraphs 207-208).

8.11 At paragraph 212 of the NPPF it states:

"Local planning authorities should look for opportunities for new development within conservation area....and within the setting of heritage assets to enhance or better reveal their significance."

8.12 Paragraph 131 of the NPPF recognises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

8.13 Paragraph 139 of the NPPF makes it clear that development that is not well-designed, especially where it fails to reflect local design policies and government guidance on design should be refused. Significant weight should be given to development which reflects local design policies etc. and development which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of the surroundings.

8.14 LP Policy DM1.3 'Presumption in Favour of Sustainable Development' states: "The Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area...."

8.15 LP Policy S6.5 'Heritage Assets' states that the Council aims to pro-actively preserve, promote and enhance its heritage assets.

8.16 LP Policy DM6.6 'Protection, Preservation and Enhancement of Heritage Assets' states that proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate enhance the significance, appearance, character and setting or heritage assets in an appropriate manner.

8.17 LP Policy DM7.9 'New Development and Waste' states "All developments are expected to:

- a. Provide sustainable waste management during construction and use.
- b. Ensure a suitable location for the storage and collection of waste.
- c. Consider the use of innovative communal waste facilities where practicable."

8.18 LP DM5.9 'Trees, Woodland and Hedgerows' supports the protection and management of existing woodland trees, hedgerow and landscape features. It seeks to secure new tree planting and landscaping scheme for new development, and where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes and encouraging native species of local provenance.

8.19 LP Policy DM6.1 'Design of Development' states: "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. Proposals are expected to demonstrate:

- a. A design responsive to landscape features, topography, wildlife habitats, site orientation and existing buildings, incorporating where appropriate the provision of public art;
- b. A positive relationship to neighbouring buildings and spaces;
- c. A safe environment that reduces opportunities for crime and antisocial behaviour;
- d. A coherent, legible and appropriately managed public realm that encourages accessibility by walking, cycling and public transport;
- e. Sufficient car parking that is well integrated into the layout; and,
- f. A good standard of amenity for existing and future residents and users of buildings and spaces."

8.20 LP Policy DM7.6 'Renewable Energy and Low-Carbon Technologies' encourages the local production of energy from renewable and low carbon sources to help to reduce carbon emissions. Such proposals will be supported and encouraged except where the proposal would have unacceptable adverse effects that are not outweighed by other considerations of the development.

8.21 The Design Quality SPD applies to all planning applications that involve building works.

8.22 The applicant has submitted a Design and Access Statement (D&A) and a Heritage Statement (HS) in support of the proposed works. The production of the HS has been phased and comprises Phase 1: a Statement of Significance that seeks to understand the significance of the site and Phase 2: a Heritage Impact Assessment which aims to assess any impacts to the setting and fabric of the Grade II Listed Benton House.

8.23 This proposal seeks the change of use of the existing building from a Conservative Club with residential uses, to an education use (F1), this includes external alterations to the building, alterations to the grounds to incorporate a multiuse games area (MUGA), new fencing.

8.24 Historic Environment comments have been sought and officers have visited the site to understand the current state of the building. Most of the building is vacant but some areas remain in residential occupation. It was evident during the site visit that in the period of time the building has been vacant effects of the damp and neglect are beginning to damage some areas internally with water ingress and degradation of ceiling material. The consultee comments are clear

that the proposed conversion to educational use is considered to be conducive with the conservation of the heritage asset. It is undesirable to have heritage assets vacant for a protracted period of time.

8.25 The proposed change of use requires the sub-division of the internal floor plans to accommodate the proposed layout. The Historic Environment comments have advised that this will have some visual impact on the experience of those spaces. Historically the rooms on the ground and first floor of the earliest phase of the building would have been spacious and well lit, used for entertaining or receiving guests, by subdividing those spaces this impression is eroded. However, it is clear from the consultee comments the level of subdivision is not considered to be excessive, and weighed against the benefit of bringing the building back into a viable use, these subdivisions are accepted.

8.26 The submitted Heritage Statement advises that much of the interior of the property was damaged by a fire which meant that much of the historic fabric, fixtures and fittings were lost. It is also noted that many of the ceilings have been lowered.

8.27 Most of the existing windows across the building to the front and rear appear to be replacements, and the majority appear to be in a satisfactory condition. The intention to retain the existing windows throughout and repair where necessary is welcomed. The consultee comments have advised the completion of a window condition survey to be carried out to identify the extent of repairs required.

8.28 The use of a secondary glazing system to provide thermal acoustic installation is welcomed, and has already been implemented historically in many rooms, however this should be surveyed to ensure functionality it is to be retained as is. Where new secondary glazing is required, details are to be provided to indicate the placement of the glazed units, dimensions, and design of the opening, this is of particular importance in those rooms where historic panelling or shutters survive.

8.29 On the ground floor of the principal elevation a new window is proposed to replace an existing fire door. This external alteration is welcomed as the existing door does not contribute positively to the character or appearance of the listed building. Conditions are suggested to ensure the new window is a like-for-like match with existing windows on this elevation and secure appropriate materials and mortar.

8.30 The proposed removal of the existing window within the main entrance portico and replacement/reinstatement of a door is welcomed, this was always the principal entry way and was replaced with a window during one of its previous conversions. Conditions are suggested to ensure the replacement door is in-keeping with the age of the property and manufactured from timber.

8.31 The proposed replacement doors to the right of the main entrance are also accepted. Conditions are suggested to confirm the design.

8.32 The proposed installation of a MUGA in the location identified on the plans is considered to be acceptable. The MUGA is located aside from the principal

elevation of the property on an area of land currently occupied by a garage building and hardstanding, as such it is not considered harmful to the character or setting of the listed building.

8.33 The proposed location of the bike storage area, taxi drop off zones, carparking and bin stores are considered to be acceptable. The location and design of these features does not disrupt the setting of the heritage asset or negatively impact its character or significance. The site is already enclosed with mesh fencing therefore using this type of fencing has already been established and it will not result in significant visual harm over and above that experienced at present.

8.34 The consultee comments have further advised that it is recommended that the external building fabric, including the roof and guttering is surveyed as part of the proposed works. Any proposed external repairs should be supported by a method statement which includes confirmation of materials required to carry out those repairs.

8.35 The Northumberland and Newcastle Society (N&N) considers this to be a striking building within a Conservation Area. The Society enthusiastically supports the reuse and repurposing of existing buildings especially when they are historically important to the community in which they sit. They consider the proposed change of use into a much needed special educational need facility with minimum disturbance to the historic structure is to be commended along with the proposed reinstatement of the original entrance on to Front Street. They also note the sensitive location of the MUGA which leaves most of the grassed area untouched. The house's former lawn has provided a valued green oasis within the urban landscape, and it is satisfying to see it remain intact.

8.36 The objections regarding the impact on the heritage assets and lack of sustainable measures to address climate change are noted. Sustainable measures such as photovoltaic panels are not being proposed and Members can only assess the development as submitted. Furthermore, such measures will need to consider the heritage asset and may not be achievable as it may adversely impact the character or appearance of the Grade II listed building.

8.37 Members need to consider whether the principle of this development and its impacts on the heritage assets are acceptable. It is officer advice, subject to imposing the suggested conditions, that changing the use of this building will secure its future, and the proposed works will not compromise the historic or architectural significance of the heritage assets (the building and ha-ha). As such, the proposed development complies with the advice in the NPPF and LP policies DM6.1, DM6.6 and S6.5.

9.0 Impact upon amenity

9.1 Paragraph 191 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should amongst other matters; mitigate and reduce to a minimum potential adverse

impact resulting from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life.

9.2 LP Policy S1.4 'General Development Principles' of the Local Plan states that development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

9.3 LP Policy DM5.19 'Pollution' states, amongst other matters, development that may cause pollution will be required to incorporate measures to prevent or reduce pollution so as not to cause unacceptable impacts to the environment, to people and to biodiversity. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

9.4 LP Policy DM6.1 'Design of Development' of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; a safe environment that reduces opportunities for crime and antisocial behaviour; and a good standard of amenity for existing and future residents and users of buildings and spaces.

9.5 The objections regarding noise and impacts on residential amenity and commercial operations of the ground floor of the adjacent building, The Exchange, are noted.

9.6 The Exchange building is located to the east of the site. Windows sited in the west elevation (ground and first floor) overlook the application site. Based on the information available to the Local Planning Authority (LPA), the ground floor windows serve a commercial use, and the first-floor windows serve a commercial use and residential flat. Of the seven first floor windows serving the flat three windows serve habitable rooms (lounge and two bedrooms). No representations have been received from this flat. Members are advised that an objection has been received from a business operating within the commercial premises of the adjacent building.

9.7 The residential properties of Hoylake Avenue are located to the southeast of the application site. To the north of the site, beyond Front Street, is a car parking serving The Black Bull. To the west of the site is the Newcastle Reformed Evangelical Church and North Face House. Further south of the application site are residential dwellings.

9.8 The proposed external alterations and alterations to the car park will not significantly affect the amenity of neighbouring premises in terms of outlook, privacy or loss of light.

9.9 The proposed MUGA will be sited adjacent to The Exchange building. It will be enclosed by a mesh type fence and netting. The height of the mesh fence will be approximately 3m and the netting will sit above this. The overall height will be approximately 5m. Views of the MUGA will be afforded from the ground floor windows however due to the type of fencing enclosing the MUGA, it is not considered that it will significantly affect the outlook from these windows or the amount of light entering them to such an extent that will sustain a

recommendation of refusal. The first-floor windows, serving the residential flat, will not be affected in terms of loss of light or outlook. It is noted that occupants of the flat may afford obscure views over the MUGA and the wider application site.

9.10 The applicant has advised the MUGA will only be used during the school day, with some after school activities, for use of the school only. The MUGA will be used at various times for PE lessons and breaktimes, as would be the case with any school. It will not be in continual use throughout the school day. Furthermore, it would not be used in the evenings or at weekends, the times when nearby residents would expect less noise, or outside of term times. Limited use of the MUGA during the days indicated will not give rise to any significant impacts and would be no different than for any other school, many of which are located close to residential properties. The use of the MUGA will not be used for sporting events, or events with spectators and will be for use of the school only. To enable flexibility, the applicant has requested the use of the MUGA is restricted to between 8:45am and 4:30pm, Monday to Friday. This will enable any after school activities.

9.11 The applicant has provided a specification of the MUGA which confirms that there are neoprene washers between the mesh and the fence posts and this cushions the impact of any balls that are kicked against the fence and so reduces the associated noise.

9.12 The Manager for Environmental Health has considered the information submitted and further information provided by the applicant set out in paragraphs 9.9 – 9.11. She did request a noise assessment to consider the impacts arising from the provision of the MUGA to determine if the residential amenity of the first-floor flat in the adjacent building, The Exchange, will result in significant adverse impacts. As the MUGA is located beneath the residential flat she has advised any acoustic screening will be ineffective in mitigating noise from its use. She has advised no further mitigation could be provided except for the provision of a noise management plan. Measures to control noise have been detailed within the application including restricting its use to school hours during term time, and use of acoustic mounts for the mesh panels to reduce impact noise. However, these conditions will not address noise from raised voices and prolonged use of whistles therefore she has recommended, if planning permission is to be granted, a condition to secure a noise management plan is required. Subject to conditions the Manager of Environmental Health, does not object. Members need to consider the impacts on the amenity of the adjacent building, The Exchange, against bringing a largely vacant listed building back into use to secure its future and whether the proposed conditions are sufficient to mitigate potential noise impacts.

9.13 The Manager of Environmental Health has advised that conditions to address kitchen ventilation and extraction will be required.

9.14 Members need to consider whether the proposed development is acceptable in terms of its impact on the amenity of neighbouring premises and whether they can be adequately protected from undue noise and disturbance. It is officer advice that the suggested conditions will assist in minimising the impacts on the amenity of neighbouring premises. As such, it is officer advice

that the proposed development does accord with the advice in paragraph 191 of the NPPF and LP policies DM5.19 and DM6.1.

10.0 Impacts on highway matters

10.1 The NPPF paragraph 115 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

10.2 The Council's maximum parking standards are set out in the Transport and Highways SPD.

10.3 The objections regarding the impacts on the existing highway infrastructure and highway safety are noted. The comments from the Northumberland and Newcastle Society are also noted.

10.4 As part of the application a Transport Assessment (TA) has been provided. The adjacent highway network has been analysed and sufficient capacity remains at the junctions in the vicinity of the site.

10.5 The site will be accessed via the existing access on Hoylake Avenue and the applicant has provided swept path analysis of vehicles that will be serving the site. Parking has been provided to meet the needs of the site and is in accordance with current standards. A Parking Management Plan has been provided, which will be reviewed when the site becomes operational.

10.6 The Team Leader – New Developments (Highways) has been consulted. He has considered the information provided does not object and has recommended conditional approval.

10.7 Members need to consider whether the proposed development is acceptable in terms of its impact on the highway network and highway safety and whether sufficient parking provision is provided. Subject to imposing the suggested conditions, it is officer advice that this development is acceptable in terms of highway impacts and parking provision. As such, it is officer advice that the proposed development does accord with the advice in the NPPF and LP policies.

11.0 Impact on biodiversity

11.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural environment.

11.2 Paragraph 180 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Amongst other matters, this includes minimising the impacts of biodiversity and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

11.3 Paragraph 185 of the NPPF states that when determining planning applications LPA's should aim to protect and enhance biodiversity and

geodiversity by following the principles set out in paragraph 186 which includes, amongst other matters, if significant harm cannot be avoided, adequately mitigated, or as a last resort, compensated from the planning permission should be refused.

11.4 LP Policy S5.4 'Biodiversity and Geodiversity' seeks to protect, create, enhance and manage sites within the borough relative to their significance.

11.5 LP DM5.5 'Managing effects on Biodiversity and Geodiversity', amongst other matters, seeks to protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links. Proposals should maximise opportunities to create, restore, enhance, manage and connect natural habitat. Net gains to biodiversity should be considered, unless otherwise shown to be inappropriate. Proposals that are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where: the benefits of the proposal clearly demonstrably outweigh any adverse impacts, applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, and for all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

11.6 LP DM5.9 'Trees, Woodland and Hedgerows' supports the protection and management of existing woodland trees, hedgerow and landscape features. It seeks to secure new tree planting and landscaping scheme for new development, and where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes and encouraging native species of local provenance.

11.7 The objections regarding impacts on existing landscape features, trees and wildlife are noted.

11.8 The site is within Longbenton Conservation Area and contains several trees subject to Fairways Estate, Longbenton Tree Preservation Order (TPO) (1992).

11.9 The landscape comments have considered the submitted tree information. The proposed development seeks to retain most of the trees on site, removing only two trees (T1 and T9). One tree is in poor health (T9) and the other does not have an amenity value that would justify its retention (T1). A condition is proposed to secure details of landscaping which must include the planting of two heavy standard trees.

11.10 The proposed MUGA would be located within the Root Protection Area (RPA) of two mature sycamores (T4 and T5) that have a high amenity value. The development would also seek to remove and replace areas of existing tarmac, which would impact on the RPA of many trees across the site. The works to the existing tarmac in some areas could potentially assist the growing conditions for

some trees on the eastern boundary (T6, T7 and, G1) where the proposal is to sensitively remove some of the existing tarmac areas to create additional areas of soft landscaping around the car parking spaces.

11.11 The submitted AIA outlines a method statement of how the works in the RPA should be undertaken to minimise the harm to the existing trees, such as works being supervised by professional arboriculturalist and the existing sub base being retained. Conditions are recommended to secure tree protection measure details and to ensure no large plant machinery is used for the removal/replacement of hard standing within RPAs. A further condition is recommended to ensure a revised AIA and method statement are submitted to demonstrate the impacts to T4 are reduced.

11.12 The Principal Ecologist has been consulted. They have considered the supporting ecology and tree information submitted with this application. This information advises there are no negative impacts predicted in respect of the woodland and shrub habitats. The site was considered to have negligible potential to support protected or priority plant species.

11.13 No disturbance to roosting bats relating to the works to Benton House is anticipated. The roosting potential of the garage to be demolished was considered negligible and does not require further consideration with regards to bats. The lime tree to be removed does have low bat roosting potential and it is recommended that this tree is subject to soft/sectional felling. This can be conditioned.

11.14 Two Schedule 9 invasive plant species were recorded. The development proposed will not affect the areas where these species are located. Avoidance measures are recommended and are included within the Ecological Management Plan (EMP).

11.15 The site has potential to support nesting birds. Any tree or vegetation clearance works must take place outside the bird nesting season.

11.16 The submitted ecology report advises that an EMP is produced to address strategies to enhance biodiversity. An EMP has already been provided and demonstrates how the development will achieve a net gain in biodiversity and provide additional on-site enhancement. It also includes future management and monitoring. This application was submitted prior to the 10% mandatory net gain requirement for biodiversity, but it still should comply with LP policy which requires a net gain to be achieved. The consultee comments confirm that this development can achieve a net gain and therefore complies with the Local Plan policy.

11.17 Members need to consider whether the proposed development is acceptable in terms of its impacts on biodiversity and existing landscape features. Subject to imposing the suggested conditions, it is officer advice that existing landscape features can be adequately protected and replacement planting secured. As such, the proposed development is in accordance with Policy S5.4, DM5.5, DM5.7, DM5.9, DM6.1, S6.5 and DM6.6 of the Local Plan (2017).

12.0 Other issues

12.1 Ground conditions

12.2 Paragraph 189 of the NPPF states planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination i.e. mining or land remediation.

12.3 Paragraph 190 of the NPPF goes on to say that where a site is affected by contamination or land instability issues, responsibility for securing a safe development, rests with the developer and/or landowner.

12.4 LP Policy DM5.18 “Contaminated and Unstable Land” seeks to ensure that the future users or occupiers of a development would not be affected by contamination or stability issues.

12.5 The NPPF sets out that LPAs should define Mineral Safeguarding Areas (MSAs), with further detail included in National Planning Practice Guidance (2014). The whole of the local plan area has been identified as a MSA. Policy DM5.17 Minerals is considered to be relevant.

12.6 The Contaminated Land Officer has been consulted. She has raised no objections to the proposed development. An informative is suggested to advise that Waste Criteria Testing shall be carried out to ensure any waste materials is disposed of at a suitably licensed facility.

12.7 The Coal Authority has been consulted. They have raised no objections to the proposed development as the site is located in a low risk area.

12.8 Archaeology

12.9 Paragraph 205 of the NPPF states “Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.”

12.10 LP Policy DM6.7 ‘Archaeological Heritage’ seeks to protect, enhance and promote the borough’s archaeological heritage and where appropriate, encourage its interpretation and presentation to the public.

12.11 The Tyne and Wear Archaeology Officer has been consulted. They have concluded that the proposed development will not have a significant impact on any known archaeological heritage assets. No archaeological work is required.

12.12 Airport

12.13 Newcastle International Airport has been consulted. They have raised no objection to the proposed development.

13.0 Local Financial Considerations

13.1 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

13.2 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. It is not considered that New Homes Bonus or CIL contributions are material in terms of making this development acceptable in planning terms.

14.0 Human Rights Act

14.1 The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

15.0 Equalities and Diversities

15.1 Due regard has been had in considering this application to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and the case officer has concluded that in so far as they are aware the application does not cause discrimination.

16.0 Conclusion

16.1 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.

16.2 Specifically, NPPF states that LPA's should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. A core planning principle within NPPF requires that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

16.3 Members need to consider whether the principle of this development and its impact on heritage assets is acceptable. It is officer advice, subject to attaching the suggested conditions, that it is acceptable.

16.4 Members need to consider whether this development is acceptable in terms of its impact on the amenity of neighbouring premises having regard to the NPPF (paragraph 191) and LP Policies DM6.1 and DM5.19. It is officer that the benefits of bring this heritage asset back into use outweighs any harm that could be

caused when the premises are in use. Subject to attaching the suggested conditions, it is considered that any harm could be minimised.

16.5 Members need to consider whether the proposed layout and external alterations are acceptable. It is officer advice that it is.

16.6 Members need to consider whether this development is acceptable in terms of its impacts on the highway network, highway safety and whether sufficient parking is provided. Sufficient parking is proposed, it will utilise existing access/egress, and it will not result in a residual cumulative impact that will be severe. It is officer advice that it is acceptable.

16.7 Members need to consider whether this development is acceptable in terms of biodiversity and its impact on existing trees. The proposed development will deliver a net gain for biodiversity and existing landscape features will be protected during construction. Subject to conditions, it is officer advice that it is acceptable.

16.9 It is recommended that planning permission should be granted subject to conditions.

RECOMMENDATION: Application Permitted

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications.

- Site location plan Dwg No. 23.011 (2-) 017 Revision A
- Existing elevations Dwg No. 23.017 (2-) 003 Revision A
- Existing floor plan Dwg No. 23.017 (2-) 001 Revision A
- Existing site layout plan Dwg No. 23.017 (9-) 001 Revision E
- Proposed elevations Dwg No. 23.017 (2-) 004 Revision B
- Proposed elevations of miscellaneous site features Dwg No. 23.017 (2-)

005 Revision A

- Proposed floor plan Dwg No. 23.008 (2-) 120 Revision B
- Proposed site layout plan Dwg No. 23.017 (9-) 002 Revision G
- Heritage Statement
- Planning, Design and Access Statement

Reason: To ensure that the development as carried out does not vary from the approved plans.

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

3. Notwithstanding the submitted plans, precise details of all proposed repairs to existing windows to include large scale details and details of any alterations to improve safety, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved plans.

Reason: To preserve the special architectural and historic interest of the listed building in accordance with policies S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

4. Notwithstanding the submitted plans, large scale details of any proposed replacement fenestration, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved plans.

Reason: To preserve the special architectural and historic interest of the listed building in accordance with policies S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

5. Notwithstanding the submitted plans, precise details of all proposed works to existing external doors, together with large scale details of any proposed new external doors shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved plans.

Reason: To preserve the special architectural and historic interest of the listed building in accordance with policies S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

6. Notwithstanding the submitted plans, precise details of all proposed external mechanical and extraction, data, plumbing, drainage and ventilation runs, including junctions and openings within existing fabric, external terminals etc, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved plans.

Reason: To preserve the special architectural and historic interest of the listed building in accordance with policies S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

7. Notwithstanding the submitted plans, any external works relating to any proposed fire protection strategy, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved plans.

Reason: To preserve the special architectural and historic interest of the listed building in accordance with policies S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

8. Notwithstanding the submitted plans, precise details, to include a written methodology and samples of all proposed works to existing stonework, including details of any proposed repairs, stone indents, replacement mortar etc, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved plans.

Reason: To preserve the special architectural and historic interest of the listed building in accordance with policies S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

9. Notwithstanding the submitted plans, precise details, including samples of any proposed roof works, to include repairs, replacement slate, works to ridge tiles, chimneys etc, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved plans.

Reason: To preserve the special architectural and historic interest of the listed building in accordance with policies S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

10. Notwithstanding the submitted plans, precise details of all proposed external joinery, to include large scale details of doors, architrave, etc., shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved plans.

Reason: To preserve the special architectural and historic interest of the listed building in accordance with policies S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

11. Any original external architectural features that are not otherwise shown on the approved plans, but which are revealed during the works hereby approved, shall be retained on site for inspection by the Local Planning Authority. Thereafter these features shall be either retained and restored or removed in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority.

Reason: To preserve the special architectural and historic interest of the listed building in accordance with policies S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

12. Any required tree works shall be pruned in accordance with the recommendations in British Standard BS3998:2010 (Recommendations for Tree work).

Reason: To protect existing trees in the interests of amenity and wildlife value to comply with Policy S5.4, DM5.5, DM5.7, DM5.9, DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

13. No development, including site clearance, shall commence on the site until a dimensioned tree protection plan in accordance with Section 5.5 with an impact assessment and method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect existing trees in the interests of amenity and wildlife value to comply with Policy S5.4, DM5.5, DM5.7, DM5.9, DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

14. A scheme of hard and soft landscaping, including details of permanent tree protection measures to protect T4 (as identified in Arboricultural Impact Assessment, Reference 1685-AIA-V1-A) and a minimum of two heavy standard

trees with a stem girth of 12-14 cm at the time of planting, existing trees to be retained and size, species, planting heights, densities and positions of any additional soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the hereby approved development. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use. Any existing tree shown to be retained or trees or shrubs or hedgerow to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs or hedgerow of appropriate size and species in the next planting season.

Reason: To ensure the continuity of amenity and wildlife value afforded by the trees and hedgerow in question and in accordance with Policy S5.4, DM5.5, DM5.7, DM5.9, DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

15. No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with details approved under this condition.

Reason: To protect existing trees in the interests of amenity and wildlife value to comply with Policy S5.4, DM5.5, DM5.7, DM5.9, DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

16. Prior to the MUGA being brought into use a noise management plan shall be submitted to and approved in writing by the Local Planning Authority. This management plan shall include annual reviews to consider the control of the users of the MUGA to mitigate noise.

Reason: To protect the amenity of neighbouring premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

17. Prior to the installation of any new external plant or equipment to be installed at the premises a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. This noise scheme shall be carried out full in accordance with BS4142 to determine the background noise level without the plant noise operating at the boundary of the nearest residential premises and appropriate mitigation measures taken where necessary to ensure the rating level of plant and equipment does not exceed the background noise. Thereafter, the development hereby approved shall be carried out in accordance with these agreed details and any details pursuant to Condition 18 which shall be permanently retained and maintained.

Reason: To protect the amenity of neighbouring premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

18. Within one month of the installation of the plant and equipment acoustic testing shall be undertaken to verify compliance with Condition 17. This testing

shall be submitted to and approved in writing by the Local Planning Authority prior to the operation of the plant.

Reason: To protect the amenity of neighbouring premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

19. The MUGA hereby approved shall only be used by the school.

Reason: To protect the amenity of neighbouring premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

20. The use of the MUGA shall be restricted to between the hours of 08:45 and 16:30 Monday to Friday inclusive, during school term time only.

Reason: To protect the amenity of neighbouring premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

21. Deliveries and collections shall be restricted to between 07:00 and 23:00 hours.

Reason: To protect the amenity of neighbouring premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

22. No sound reproduction equipment which is audible outside the curtilage of the premises shall be operated on the site.

Reason: In order to protect the amenities of occupiers of nearby properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

23. Prior to installation of any floodlighting or other form of external lighting , a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following information:

- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures;
- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The lighting shall be installed and maintained in accordance with the approved scheme.

Reason: In the interest of visual amenity and/or highway safety having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

24. The construction site, including demolition, subject of this approval shall not be operational and there shall be no construction, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

25. Prior to the installation of any chimney or extraction vents details of their height, position, design and materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: In order to safeguard the amenities of adjoining properties and protecting the heritage asset having regard to policies DM6.6 and DM5.19 of the North Tyneside Local Plan (2017).

26. Prior to the installation of any air ventilation systems details of this system(s) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development is first occupied in accordance with the approved details and permanently retained.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

27. Prior to the installation of any any refrigeration plant to be installed in connection with the development these details shall be submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter only be installed in accordance with the approved details and permanently retained as such.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy **** of the North Tyneside Local Plan (2017).

28. Prior to the building being brought into use details of an odour suppression system for the arrestment of odours shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development or use commences in accordance with the approved details and permanently retained.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

29. Notwithstanding Condition 1, prior to the building being brought into use details of refuse facilities to be provided for the storage of refuse and refuse collection/management shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to the building being brought into use and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policies DM6.1 of North Tyneside Local Plan (2017).

30. No part of the development shall be occupied until the scheme for parking has been laid out in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

31. No part of the development shall be occupied until the scheme for the provision of cycle storage has been laid out in accordance with the approved plans and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

32. The Parking Management Plan shall be implemented in accordance with the approved details, including regular reviews and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

33. No part of the development shall be occupied until a scheme for Electric Vehicle (EV) charging has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

34. No development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; include storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, provision of water bowsers, wheel washing and road cleaning facilities with mechanical sweepers. The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development. If the agreed measures are not operational, then no vehicles shall exit the development site onto the public highway.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

35. Prior to any works commencing on site a Precautionary Bat Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter all works shall be undertaken in accordance with these agreed details.

Reason: This information is required from the outset to ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

36. The development hereby approved shall be carried out in full accordance with the submitted Ecological Management Plan produced by SLR Consulting Ltd (Project No. 422.064829.00001, dated 29 February 2024, Revision 01).

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

Informatives

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

Coal Mining Standing Advice (FUL,OUT) (I44)

CIL information (I50)

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub and the building are likely to contain nesting birds between 1st March and 31st August inclusive. If areas cannot be cleared and undertaken outside of this time, they should be checked for breeding birds by a suitably qualified ecologist, and if appropriate, an exclusion zone set up. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

The applicant is advised that they should contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand,

and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact Highways@northtyneside.gov.uk for further information.

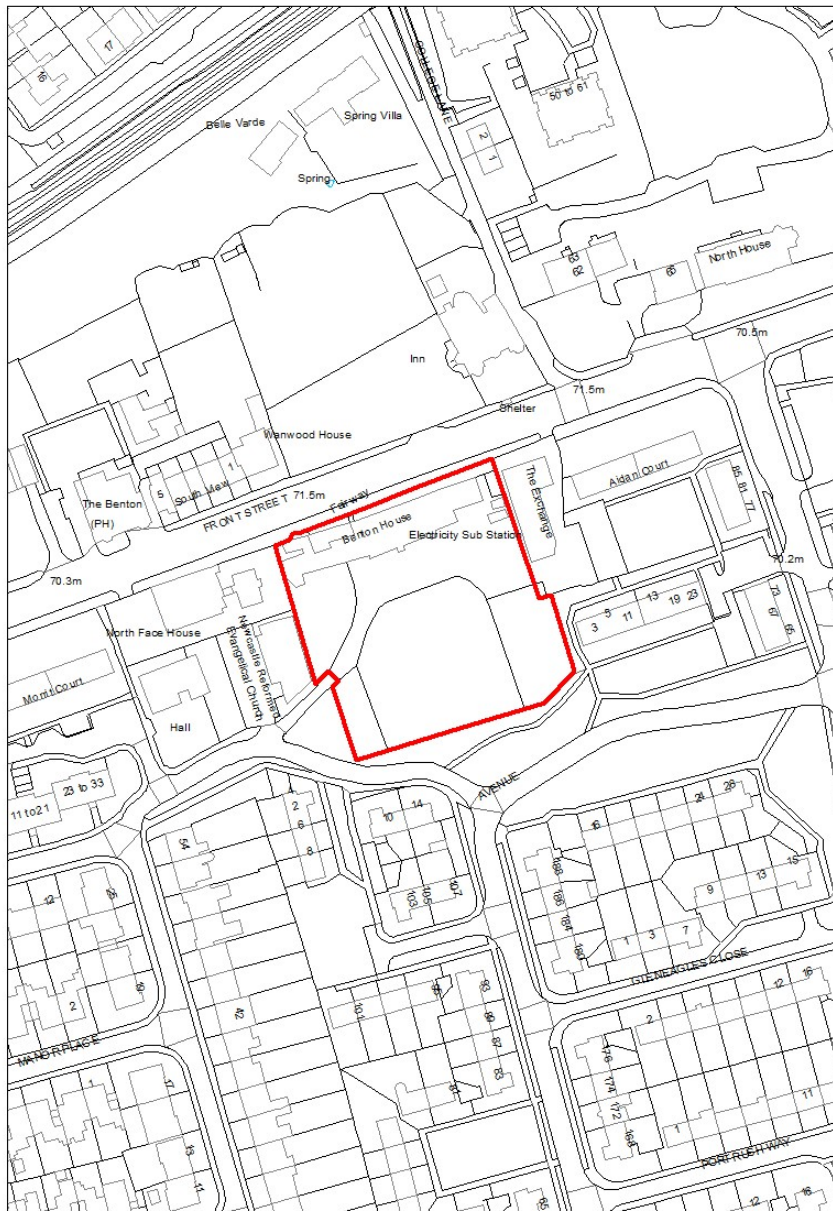
The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information

The applicant is advised that no part of the gates may project over the highway at any time. Contact New.Developments@northtyneside.gov.uk for further information.

The applicant is advised that it is an offence under the Highways Act 1980 to deposit mud or debris on the highway and reasonable measures must be in place to prevent this occurrence in the first instance and to remove any occurrences, should they occur. Contact New.Developments@northtyneside.gov.uk for further information.

The applicant is advised that it is an offence under the Highways Act 1980 to store refuse or refuse bins on the highway other than on designated collection days. Contact New.Developments@northtyneside.gov.uk for further information.

Contamination may be on Site (I15)



Application reference: 24/00122/FUL

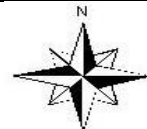
Location: Conservative Club, Benton House, Front Street, Benton

Proposal: Change of use from conservative club and residential use to education use (Class F1), associated external alterations to the building, and alterations to the grounds including provision of a multi-use games area and new fencing

Not to scale

Date: 23.05.2024

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**Appendix 1 – 24/00122/FUL
Item 2**

Consultations/representations

1.0 Internal Consultees

1.1 Historic Environment

1.2 LONGBENTON HOYLAKE AVENUE (north side) NZ 26 NE 6/9 Benton House (Conservative 27.2.50 Club) G.V. II House, now club. Late C18 and C19. Built for T.C. Bigge (1739-94). Sandstone ashlar; graduated Lakeland slate roof. 2 storeys; 1:3:5 bays. Main block of 5 bays has inserted sash window in central Tuscan porch with fluted necking; glazing bars to 2 sashes either side; none to renewed first floor sashes. Sill and floor bands; dentilled broken pediment over central 3 bays, and dentilled eaves gutter cornice; floating cornice above central window. Wing set back at left has pedimented first bay containing tripartite windows, transomed on ground and sashed at first floors; eaves cornice under keystoned roundel in pediment. Half-glazed central door (with large overlight) in 3-bay linking section which has renewed sash windows and early C20 pedimented dormer. Hipped roof with ashlar chimneys. Interior damaged by fire. Shop inserted in rear of first bay: see under Front Street.

1.3 Listing NGR: NZ2725068429

1.4 The proposal affects Benton House, a Grade II listed former Conservative Club built between the late 18th and early 19th Centuries, with further additions dating from the late 20th Century. The listed building is located within the vicinity of several other designated heritage assets, namely; the Ha-Ha south of Benton House (Grade II), the Vogue Hair Stylists Shop (Grade II) and slightly further afield Ethel Williams Hall (Grade II) and Manor House (Grade II), the building is also located within the boundary of the Longbenton Conservation Area.

1.5 The proposal seeks the change of use of the existing building from a conservative club with residential uses, to an education use (F1), this includes external alterations to the building, alterations to the grounds to incorporate a multiuse games area, new fencing, and internal alterations to include the erection of partitions for the provision of office and classroom areas.

1.6 The principle of the proposed conversion of the building from a former conservative club to a school is considered to be acceptable, it was evident following a recent site visit to the address on the 9th April 2024, that the building is currently vacant following its unauthorised occupation as a Chinese restaurant, however some areas remain in residential occupation. In the period of time in which the building has been vacant the effects of damp and neglect are beginning to damage some areas internally with water ingress observed in the former offices on the first-floor and the degradation of ceiling material elsewhere. Whilst the building was constructed as a residence at its inception, and later used as a Golf Clubhouse until becoming a Conservative Club prior to the time of listing, the proposed conversion to educational use is considered to be conducive with the conservation of the heritage asset.

1.7 Subdivision

1.8 The proposed sub-division of the internal floorplans in order to accommodate the required layout for the school, in particular on the ground and first floor of the earliest phase of the building will have some visual impact on the experience of those spaces. Historically these rooms, especially those on the first-floor would have been the most spacious and well lit, used for entertaining or receiving guests, by subdividing those spaces this impression is eroded, however, the level of subdivision is not considered to be excessive, and weighed against the benefit of bringing the building back into a viable use, these subdivisions are accepted.

1.9 It was observed on the proposed floorplans that some of the new partitions appeared to sit flush with the window reveals, it would be our preference that partitions were set back sufficiently from these reveals to preserve the legibility of the opening and its relationship with the interior, this may only be the difference of 50-100mm.

Reading the heritage statement it is understood that much of the interior of the property was damaged by a fire which meant that much of the historic fabric, fixtures and fittings were lost, however, subject to further investigative works into the ceilings, many of which have been lowered in the past, should any original cornicing survive, we would expect all new partitions to be scribed around those details, with large-scale details submitted to illustrate how this would be achieved.

1.10 Similarly, where any historic skirting survives, we would expect all new partitions to be scribed around those details, supported by a detailed drawing.

1.11 Windows

1.12 The large majority of windows across the building to the front and rear appear to be replacements, and most appear to be in a satisfactory condition. It is understood that the intention is to retain the existing windows throughout and repair where required, this approach is welcomed, however I would recommend the completion of a window condition survey to be carried out by a qualified Building Surveyor with knowledge of historic buildings, to recommend and identify the extent of repairs required.

1.13 The use of a secondary glazing system to provide thermal and acoustic insulation is welcomed, and has already been implemented historically in many rooms, however this should be surveyed to ensure functionality if it is to be retained as is. Where new secondary glazing is required, details should be submitted to indicate the placement of the glazed units, dimensions and design of the opening, this is of particular importance in those rooms where historic panelling or shutters survive, although further investigative works are required in some areas to explore if such features are still in-situ.

1.14 On the ground floor of the principal elevation a new window is proposed to replace an existing fire door, the proposed disposal of the fire door is welcomed as it does not contribute positively to the character or appearance of the listed building. The new window and proposed stone infill and new sill below should be a like-for-like match with those elsewhere on this elevation, details of the design of the proposed replacement window should be submitted, in addition confirmation of the proposed stone and mortar type required to infill the section below should be submitted, and the stone provided as a sample to view on site.

1.15 Doors

1.16 The proposed removal of the existing window within the main entrance portico and replacement/reinstatement of a door is welcomed, this was always the principal entry way and was replaced with a window during one of its previous conversions.

1.17 The proposed replacement door should be in-keeping with the age of the property and manufactured from timber, separate details should be submitted to confirm the exact design of the proposed door and placement of all new hardware.

1.18 The proposed replacement doors to right of the main entrance are also accepted, however separate details should be submitted confirm design.

1.19 Plasterwork, Fixtures and Fittings

1.20 Only some small sections of original skirting and some window panelling were observed during our recent visit, and it is understood that a fire devastated much of the original fabric. That being said, some exploratory works are required to remove lowered ceilings and boxed in window surrounds to ascertain if any features survive intact. If historic features are revealed in good condition they should be retained, if they survive but are damaged, they should be repaired with details submitted accordingly, or if they survive only partially intact they should be recorded photographically prior to removal.

1.21 Playground

1.22 The proposed installation of a multi-use playground in the location identified on the plans is considered to be acceptable. The MUGA is located aside from the principal elevation of the property on an area of land currently occupied by a garage building and hardstanding, as such it is not considered to be harmful to the setting of the listed building.

1.23 External Alterations

1.24 The proposed location of the bike storage area, taxi drop off zones, carparking and bin stores are considered to be acceptable. The location and design of these features does not disrupt the setting of the heritage asset or negatively impact its character or significance.

1.25 External Repairs

1.26 Whilst it has not been identified as part of this application, it is recommended that the external building fabric, including the roof and guttering is surveyed as part of the proposed works. Any proposed external repairs should be supported by a method statement which includes confirmation of materials required to carry out those repairs.

1.27 Suggested Conditions

1.28 Should the application be recommended for approval, it is suggested that conditions are attached relating to a number of elements these are identified below.

Notwithstanding the submitted plans, precise details of all proposed repairs to existing windows to include large scale details and details of any alterations to improve safety, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved plans.

Notwithstanding the submitted plans, large scale details of any proposed replacement fenestration, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved plans.

Notwithstanding the submitted plans, precise details of all secondary glazing, to include large scale details, together with details of any proposed safety barriers / alterations to existing and proposed windows shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved plans.

Notwithstanding the submitted plans, precise details of all proposed works to existing doors, together with large scale details of any proposed new doors (both internal and external), shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved plans.

Notwithstanding the submitted plans, precise details of all proposed partition walls, to include location details, junctions with existing fabric and scribing around existing features, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved plans.

Notwithstanding the submitted plans, precise details of all proposed M and E, data, plumbing, drainage and ventilation runs, including junctions and openings within existing fabric, internal and external terminals etc, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved plans.

Notwithstanding the submitted plans, precise details of the proposed fire protection strategy, to include details of any proposed works to existing walls, floors, doors, together with details of any proposed fire protection systems, to include details of any associated cable or pipework runs, detectors, internal terminals etc, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved plans.

Notwithstanding the submitted plans, precise details, to include a written methodology and samples of all proposed works to existing stonework, including details of any proposed repairs, stone indents, replacement mortar etc, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved plans.

Notwithstanding the submitted plans, precise details, including samples of any proposed roof works, to include repairs, replacement slate, works to ridge tiles,

chimneys etc, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved plans.

Notwithstanding the submitted plans, precise details of all proposed works to existing floor and ceiling structures, to include details of any proposed repairs, alterations to floor joists etc, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved plans.

Notwithstanding the submitted plans, precise details of all proposed joinery, to include large scale details of skirting boards, door and window architrave, window panelling etc, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved plans.

Any original architectural features that are not otherwise shown on the approved plans, but which are revealed during the works hereby approved, shall be retained on site for inspection by the Local Planning Authority. Thereafter these features shall be either retained and restored or removed in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority.

1.29 Case officer note: The Historic Environment comments relate to this application and the Listed Building Consent application Ref: 24/00123/LBC. The comments relating to the Listing Building Consent will be fully considered under 24/00123/LBC. Only the suggested conditions relating to the full application will be attached should planning permission be granted.

1.30 Team Leader – New Developments (Highways)

1.31 As part of the application a Transport Assessment (TA) has been included. The adjacent highway network has been analysed and sufficient capacity remains at the junctions in the vicinity of the site.

1.32 The site will be accessed via the existing access on Hoylake Avenue and the applicant has provided swept path analysis of vehicles that will be serving the site. Parking has been provided to meet the needs of the site and is in accordance with current standards as well as a Parking Management Plan, which will be reviewed when the site becomes operational. Conditional approval is recommended.

1.33 Recommendation - Conditional Approval

1.34 Conditions:

No part of the development shall be occupied until the scheme for parking has been laid out in accordance with the approved details and retained thereafter.
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

No part of the development shall be occupied until the scheme for the provision of cycle storage has been laid out in accordance with the approved plans and retained thereafter.
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

No part of the development shall be occupied until the scheme for provision of and storage of commercial waste has been laid out in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

The Parking Management Plan shall be implemented in accordance with the approved details, including regular reviews and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

No part of the development shall be occupied until a scheme for Electric Vehicle (EV) charging has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

No development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; include storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, provision of water bowsers, wheel washing and road cleaning facilities with mechanical sweepers. The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development. If the agreed measures are not operational, then no vehicles shall exit the development site onto the public highway.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

1.35 Informatives:

The applicant is advised that they should contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are

disabled, either by lack of mobility or impaired vision. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information

The applicant is advised that no part of the gates may project over the highway at any time. Contact New.Developments@northtyneside.gov.uk for further information.

The applicant is advised that it is an offence under the Highways Act 1980 to deposit mud or debris on the highway and reasonable measures must be in place to prevent this occurrence in the first instance and to remove any occurrences, should they occur. Contact New.Developments@northtyneside.gov.uk for further information.

The applicant is advised that it is an offence under the Highways Act 1980 to store refuse or refuse bins on the highway other than on designated collection days. Contact New.Developments@northtyneside.gov.uk for further information.

1.36 Manager for Environmental Health (Contaminated Land)

1.37 I have no objections to this development; however previous land use may have given rise to contamination. Part of the site is carpark which dependant on age may be coal tar based. I would advise that Waste Acceptance Criteria testing be carried out prior to disposal.

1.38 Therefore, I would recommend I15 be attached as any spoil from the creation of the MUGA will have to be suitably disposed of.

1.39 Landscape

1.40 The Council seeks to protect tree coverage in the Borough, sympathetically incorporating existing features into the overall design of the scheme including measures taken to ensure their continued survival.

1.41 The application is for the change of use to an education use with external alterations, including the grounds with the provision of a multi-use games area and new fencing.

1.42 The site is within Longbenton conservation area and contains several trees subject to Fairways Estate, Longbenton Tree Preservation Order (TPO) (1992). The site is also a subject to a Grade II Listing for the property (Benton House and adjacent shop) and the distinct Ha-Ha in the grounds south of the property, estimated to date from the late eighteenth century.

1.43 The proposed development would seek to retain the majority of trees on site, removing only two trees (T1 and T9 of the Arboricultural Impact Assessment Reference 1685-AIA-V1-A). One tree is in poor health (T9) and the other does not have an amenity value that would justify its retention (T1). If the officer were minded to grant permission for the application, details of landscaping, which

included the planting of two heavy standard trees, should be secured by condition prior to commencement to be in accordance with Policy S5.4, DM5.5, DM5.7, DM5.9, DM6.1, S6.5 and DM6.6 of the Local Plan (2017).

1.44 The proposed Multi Use Games Area (MUGA) would be located within the root Protection Area (RPA) of two mature sycamores (T4 and T5) that have a high amenity value. The development would also seek to remove and replace areas of existing tarmac, which would impact on the RPA of many trees across the site. The works to the existing tarmac in some areas could potentially assist the growing conditions for some trees on the eastern boundary (T6, T7 and G1) where the proposal is to sensitively remove some of the existing tarmac areas to create additional areas of soft landscaping around the car parking spaces.

1.45 The Arboricultural Impact Assessment (Reference 1685-AIA-V1-A) outlines a method statement of how the works in the RPA should be undertaken to minimise the harm to the existing trees, such as works being supervised by a professional arboriculturalist and the existing sub base being retained.

1.46 Details of tree protection measures have been provided in the Arboricultural Impact Assessment (Reference 1685-AIA-V1-A), but clarity on dimensions and materials for the tree protection measures to the trunks of trees should be provided.

1.47 The methodology of the Arboricultural Impact Assessment (Reference 1685-AIA-V1-A) for the removal / replacement of hard surfacing within RPAs (section 5) must amend paragraph 5.1.14, ensuring that no large plant machinery would be acceptable in the removal of hard surfacing in the RPA.

1.48 A revised Arboricultural impact assessment and method statement must also reference the edging to be applied to the hard surface areas within the RPA areas and the provision of at least a 500mm set back area from the tarmac/hard surface material to the stem of T4 and its above ground root buttressing to allow for growth and movement. The landscaping designs must also include hardscape features that act as physical barriers to vehicles to protect trees, especially T4. The intention appears for T4 to act as a turning point within the site, which could result in accidents that harm the tree and permanent protection measures must be factored into the landscape designs to prevent this, as indicated in the 'Proposed Site Layout Plan (Drawing Reference 23.017(9-002 Revision G).

1.49 If the officer were minded to grant permission for the application, details of tree protection measures, construction method statement and any service requirements for the development should be secured by condition prior to commencement to be in accordance with Policy S5.4, DM5.5, DM5.7, DM5.9, DM6.1, S6.5 and DM6.6 of the Local Plan (2017).

1.50 Recommended Conditions:

Pruning works:

Any required tree works shall be pruned in accordance with the recommendations in British Standard BS3998:2010 (Recommendations for Tree work).

Reason: To protect existing trees in the interests of amenity and wildlife value to comply with Policy S5.4, DM5.5, DM5.7, DM5.9, DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

Tree protection measures:

No development, including site clearance, shall commence on the site until a dimensioned tree protection plan in accordance with Section 5.5 with an impact assessment and method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect existing trees in the interests of amenity and wildlife value to comply with Policy S5.4, DM5.5, DM5.7, DM5.9, DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

Landscaping:

A scheme of hard and soft landscaping, including details of permanent tree protection measures to protect T4 (as identified in Arboricultural Impact Assessment, Reference 1685-AIA-V1-A) and a minimum of two heavy standard trees with a stem girth of 12-14 cm at the time of planting, existing trees to be retained and size, species, planting heights, densities and positions of any additional soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the hereby approved development. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use. Any existing tree shown to be retained or trees or shrubs or hedgerow to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs or hedgerow of appropriate size and species in the next planting season.

Reason: To ensure the continuity of amenity and wildlife value afforded by the trees and hedgerow in question and in accordance with Policy S5.4, DM5.5, DM5.7, DM5.9, DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017)
Services

a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with details approved under this condition.

Reason: To protect existing trees in the interests of amenity and wildlife value to comply with Policy S5.4, DM5.5, DM5.7, DM5.9, DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

Construction Method Statement

The contractors construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires, including tree protection

measures and shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the hereby approved development. Cabins, storage of plant and materials, parking are not to be located within the RPA of the retained trees as defined by the Tree Protection Plan and maintained for the duration of the works.

Reason: To protect existing trees in the interests of amenity and wildlife value to comply with Policy S5.4, DM5.5, DM5.7, DM5.9, DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

1.51 Principal Ecologist

1.52 Three buildings are present on-site which comprise the listed Benton House, a small garage and a small open sided shelter. The site is predominantly a hardstanding car park with two areas of modified grassland. There are also two smaller areas of scrub and a broad-leaved woodland to the south.

1.53 No negative impacts are predicted in respect of the woodland and shrub habitats and Benton House itself will not be significantly altered. The site was considered to have negligible potential to support protected or priority plant species, or notable assemblages/plant communities.

1.54 No works to Benton House that could disturb roosting bats is anticipated. Only two trees and the garage require removal as part of this development. The roosting potential of the garage was considered as negligible and does not require further consideration with regards to bats. A lime tree (T2) with low bat roosting potential would require removal. Therefore, it is recommended that that the tree is subject to soft / sectional felling. This can be enabled by the inclusion of a condition relating to a bat method statement.

1.55 Two Schedule 9 invasive plant species, rhododendron and a cotoneaster species were recorded. It is not anticipated that the development would affect the areas where these species are located. Although, avoidance measures are recommended and are included within the Ecological Management Plan (EMP).

1.56 The site has potential to support nesting birds within the woodland and scrub, however, no clearance of these habitats is anticipated. However, if any vegetation removal is required it should be cleared outside the bird nesting season (March to August inclusive).

1.57 The Preliminary Ecological Appraisal (SLR, PEA, Ref: 422.064829.00001) recommends that an Ecological Management Plan (EMP) is produced. This would address strategies to enhance the site for biodiversity, with regards to species that have the potential to currently be using the site. This includes strategies for, bats, birds, hedgehogs and invertebrates. In addition, it will detail plans to avoid the non-native species that are present on site.

1.58 The applicant has already submitted an EMP (SLR Consulting Ltd, Project No: 422.064829.00001, 29 Feb 2024). This shows how the development will achieve a net gain in biodiversity and provide additional on-site enhancement. Furthermore, it includes future management and monitoring proposals. All works should be undertaken in complete accordance with this approved EMP through the inclusion of the standard condition (Condition 1).

1.59 Although this application is presently exempt from Biodiversity Net Gain as it is identified as minor development it must still comply with local planning policy. This requires a net gain for biodiversity to be delivered on-site. The EMP demonstrates that this can be achieved, although a landscaping plan should also be included for all hard and soft landscaped areas.

1.60 Existing trees and shrubs must be protected throughout the proposed construction and landscaping works. This should be in full accordance with the Arboricultural Impact Assessment and Tree Protection Plan (Seed, Arboricultural Impact Assessment, Ref:1685-AIA-V1-A, 26 Jan 2024).

1.61 Recommendations

1.62 I have no ecological objections subject to the following conditions and informative:

All works will be undertaken to a Precautionary Bat Method Statement which shall be submitted to the LPA for approval prior to works commencing on site. Reason: This information is required from the outset to ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the hereby approved development. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use. Any existing tree shown to be retained or trees or shrubs or hedgerow to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs or hedgerow of appropriate size and species in the next planting season. Reason: To ensure the development provides an appropriate level of mitigation having regard to Policies S5.4, DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

Informative:

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub and the building are likely to contain nesting birds between 1st March and 31st August inclusive.

If areas cannot be cleared and undertaken outside of this time, they should be checked for breeding birds by a suitably qualified ecologist, and if appropriate, an exclusion zone set up. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

1.63 Manager for Environmental Health (Pollution)

1.64 I have reviewed the additional comments of the applicant. The noise assessment was required to consider the noise impacts arising from the provision of the MUGA as part of the school development and determine if the residential amenity of the flat above The Exchange would result in significant adverse impacts. As the MUGA is to be located beneath the residential flat any acoustic screening will be ineffective in mitigating noise from its use and any provision of noise assessment following planning consent would not enable its location to be reconsidered and no further mitigation could be provided except the provision of a noise management plan. The applicant advises that the MUGA is vital for the provision of the school and its location cannot be changed within the site. Measures to control noise have been detailed within the application that includes for restricting its use to school hours during term time, and use of acoustic mounts for the uprights for the mesh panels to reduce impact noise. However, these conditions would not address noise arising from raised voices and prolonged use of whistles and therefore would recommend that if planning consent is to be given a noise management plan be provided to address its use.

1.65 If planning consent is to be given the following conditions are recommended.

New External Plant: No new external plant or equipment to be installed at the premises unless a noise scheme has been submitted in accordance with BS4142 to determine the background noise level without the plant noise operating at the boundary of the nearest residential premises and appropriate mitigation measures taken where necessary to ensure the rating level of plant and equipment does not exceed the background noise. It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order.

NOI02

Prior to use of the MUGA submit for approval in writing to the planning authority and on approval implement the noise management plan and review annually to consider the control of users of the MUGA to mitigate noise.

The use of the MUGA shall be restricted to school opening hours of between 08:45 and 16:30 hours Monday to Friday inclusive, during school term time only.

Deliveries and collections shall be restricted to between 07:00 and 23:00 hours.

HOU04

SIT03

EPL01 for any external vents and chimneys

EPL02

EPL03

EPL04 The applicant shall maintain the odour suppression system as approved in accordance with the details provided by the manufacturer and submitted by the

applicant for the purposes of demonstrating compliance with Standard Condition EPL04.

LIG01 for any new external lighting

REF01

REF02

2.0 Representations

2.1 Support

2.2 One representation supporting this application has been received. This is set out below:

2.3 From the North Heaton section of 'Nextdoor' Social media network I learned:

"Apparently the old Conservative Club at Four Lane Ends will be turned into a School for a limited amount of Children with special needs.

2.4 I would like to inform you that I am also in favour of this change of use for that building. The posting suggested that often, it is only people who object who express their views, so I would like to let you know that I support this proposed change of use.

2.5 Objections

2.6 12 objections received. These are summarised below:

- Adverse effect on wildlife
- Affect character of conservation area
- Affect setting of listed building
- Impact on landscape
- Inadequate parking provision
- Loss of/damage to trees
- Nuisance - disturbance
- Nuisance - dust/dirt
- Nuisance - fumes
- Nuisance - noise
- Out of keeping with surroundings
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Precedent will be set
- Traffic congestion
- Will result in visual intrusion
- Affect setting of a listed building
- I have a Psychotherapy and Counselling practice within Sound Mind and Body gym. My therapy room faces directly onto building and field where proposed changes are located. The prospect of increased noise levels due to change of use would severely impact my clinical practice. Talking therapy would be disrupted and clients with mental health issues who attend needing a safe calm quiet space would be badly affected.
- I do not have an issue with the change of use, this is a good thing so the building is not empty and is going to be used in a positive manner. The objection is the road network and infrastructure within the local / residential area is not suited to

this development and will be needed to be altered / improved to cope with the additional traffic at rush hour periods of time throughout the day. Hoylake Avenue, Manor Walk and Manor drive are already used as a rat run for traffic avoiding the Four Lane Ends interchange (which 90% of the road users don't adhere to the 20 MPH speed limit). My concern is that the parking / drop off areas and traffic through flow are not adequate to accommodate this development as they stand now and will have to be adapted / or improved to provide this vehicular access. This will have a big impact on local residents / community who are in close proximity to this proposed development.

-Is a Section 106 agreement in place (in particular under the CIL charging schedule in relation to highways)?

-Public safety (potential road traffic collisions) and also congestion of traffic at rush hour times (early morning and mid to late afternoon times).

-If the multi-use sports areas is not fully secure when the educational facility is not in use then this could cause children/young adults/adults to congregate in the area and encourage anti-social behaviour. This is a problem in the local area and we do not want to see this increase as a result of this planning application.

-This planning application should be put out to publication consultation or residential consultation so the community can express their own views and opinions to be considered. (If there is such a meeting being proposed, can you please advise of a date, time and venue).

-The vehicles for transporting the special needs pupils are normally big taxis which will cause congestion during drop off and pick up period at the Hoylake Avenue and potentially causing backlog all the way to Manor Walk and Fairways Avenue. I am concerned about the increase level of noise and fumes caused by the proposal.

-Hoyle Avenue has also been used by many car users as a quick stop for the Four Lane Ends shops/post office/doctors along Benton Road, this has been an annoyance/ nuisance for the nearby residents. I am worried that this together with the increased traffic from the school, the rate of traffic accidents may increase.

-Lack of public consultation.

- I have lived next to a school like this before and when some of the pupils were arriving and leaving the abuse and antisocial behaviour that they caused was awful and made me frightened and caused me to move and I don't think a behaviour school should be in a quiet housing estate which is mostly older residents.

-No consideration for energy reduction in the proposal, no energy report to indicate what improvements will be made as part of the proposal which is reasonable whether it is a historic building or not. Any other change of use of building regulations would require the developer to make improvements (Building Regs Part A). It would appear the developer chose a Listed building to avoid making such energy and carbon improvements which is contrary to North Tyneside Councils Net Zero Carbon plan by 2030.

-The parking that has been allocated on the plans is not suitable for what is needed for a school of this size. Counting the spots - take away what is needed for staffing then - what is left will not cover the amount of pick-ups and drop offs the students need in a special needs school. The same problem takes place on Station Road in Forest Hall every morning for Percy Hedley students, you're left with taxis and minibuses mounting curbs on double yellow lines with engines running, clogging up traffic. The same will be the case on Hoyle Avenue once

the vehicles can't get in the overflowing car park. Newcastle Evangelical Church next door already has its spaces taken every day from patients 'just popping in' to Lane Ends Surgery, local dentists or any of the other local businesses.

-As this school is going to be for pupils with 'severe behavioural issues', I'm also concerned that this may bring issues with anti-social behaviour to a currently quiet residential area where many families with young children reside.

-My only concern is the volume of traffic that will be using our street, which is already a rat run of cars avoiding the lights at four lane ends. If there were no entry points that only allow residential and amenities access from Manor walk down to Coach Lane and from Coach Lane to Manor Walk/Benton Road, it would be more appealing.

3.0 External Consultees

3.1 The Coal Authority

3.2 The site falls within the Coal Authority's defined Development Low Risk Area. On this basis we have no specific comments to make.

3.3 However, in the interest of public safety, it is requested that the Coal Authority's Standing Advice note is drawn to the applicant's attention, where relevant.

3.4 Northumberland and Newcastle Society (N&N)

3.5 The Northumberland and Newcastle Society (N&N) supports grant of planning approval for this application.

3.6 Grade II listed Benton House is an important local heritage asset and is current empty and at risk after the Conservative Club based there went into receivership. It is a striking building and sits within the Benton Conservation Area. The Society enthusiastically supports the reuse and repurposing of existing buildings especially when they are historically important to the community in which they sit.

3.7 Therefore, the proposed change of use into a much-needed special educational need facility with minimum disturbance to the historic structure is to be commended along with the proposed reinstatement of the original entrance on to Front Street. The sensitive location of the proposed MUGA pitch leaving most of the grassed area untouched is also noted. The house's former lawn (and one time 18th hole of Benton Golf Club) has provided a valued green oasis within the urban landscape of Benton village, and it is satisfying to see it remain intact.

3.8 The Society is aware that prior to building being put up for sale, substantial work was carried out within the grounds to remove trees felled by Storm Arwen and to remove old fencing and encroaching vegetation on the Grade II listed Ha-ha to the South of Benton House on Hoyle Avenue. We have noticed that there appears to be no plans for further consolidation which we would suggest is still required. On another minor note, we have also noticed that previous owners of the building have used plastic rainwater goods when in accordance with its listing Cast Iron should have been used. We would hope that this is rectified during the conversion.

3.9 Finally, we question why 40 parking spaces are proposed, as proximity to Four Lane Ends Metro station and parking standards suggest 28, indicating plans for vehicle access could be much improved.

3.10 Tyne and Wear Archaeology Officer

3.11 I have checked the application site against the Historic Environment Record and historic maps. Benton House is located within Longbenton medieval village (HER786), which was a long 2-row settlement, stretching eastwards from Four Lane Ends to the modern Tynedale Terrace. Historic Ordnance Survey maps show the surviving form of the village in the 19th century. Housing developments were built to the northeast and southwest during the 20th century. Benton House (HER7270) is an 18th century house in the centre of the village which is Grade II listed (List Entry 1354993). The ha-ha to the south of Benton House is also Grade II listed (List Entry 1184194).

3.12 The applicant has submitted a heritage statement carried out by AB Heritage in 2024 (HER event 5507 report 2024/5). This referenced the Tyne and Wear Historic Environment Record, and consulted the National Heritage List for England, Tyne and Wear Archives and Local Historic Societies, and included a site walkover. It gives a detailed description of the building and its setting. The report concluded that whilst the exterior of Benton House has remained relatively unchanged since its construction, internally only some historic fabric survives, mainly within the western wing.

3.13 Benton House is located within Longbenton medieval village (HER786), and there is therefore some potential for archaeological remains to survive, in particular from the medieval and post-medieval periods. A trial trench was carried out by Alan Williams Archaeology in 2011 on the site immediately to the west, prior to the construction of the new Newcastle Reformed Evangelical Church, which identified a buried topsoil containing 18th and 19th century pottery and glass overlying natural at a depth of 0.75m. No medieval or earlier archaeological remains were identified. This indicates a degree of ground disturbance during the rebuilding of properties in the village in the later post-medieval period.

3.14 The proposals include the provision of cycle stands, new fencing and gates and a multi-use games area (MUGA), and improvements to the existing car parking provision. The design of the scheme, including placing the MUGA to the east of Benton House on an area of pre-existing hardstanding which will be replaced, minimises the potential impact of the development on any archaeological remains within the site. I therefore consider that the proposals will not have a significant impact on any known archaeological heritage assets, and no archaeological work is required.

3.15 Newcastle International Airport (NIA)

3.16 The proposal has been assessed by the Aerodrome Safeguarding Team and given its location and modest nature it is not considered that the proposal would result in any detriment to the safe operations of the Airport. NIA would not therefore offer any objection to this application.

