

Application No: 20/01271/FUL Author: Maxine Ingram
Date valid: 11 September 2020 ☎: 0191 643 6322
Target: 11 December 2020 Ward: Benton
decision date:

Application type: full planning application

Location: 2 Eastern Villas, Springfield Park, Forest Hall, NEWCASTLE UPON TYNE, NE12 9AE

Proposal: Change of use of a vacant former care home to provide 11 no. residential apartments with associated parking, landscaping and other associated infrastructure (Amended description)

Applicant: Springfield Park Holdings SPV1 Ltd, 27 The Oval Newcastle Upon Tyne

Agent: Savills UK Ltd, Shaun Cuggy 71 Grey Street Newcastle Upon Tyne NE1 6EF

RECOMMENDATION:

It is recommended that members indicate they are minded to approve the application and grant delegated powers to the Head of Environment, Housing and Leisure to determine the application subject to:

- a) the conditions set out below and the amendment to, addition or omission of any other condition considered necessary; and**
- b) the applicant entering into a legal agreement to secure the following:**
 - Ecology and Biodiversity - £1, 100.00 towards habitat creation/mitigation and footpath improvements at Springfield Park.**
 - Equipped area for play - £7, 700.00 towards equipped play sites in the vicinity of the development in the north west of the borough.**
 - Primary Education - £25, 000.00 towards increase in capacity in either existing or new provision.**
 - Employment and Training - £3, 000.00 towards delivering employability interventions to upskill local residents.**
 - Coastal Mitigation £1, 1, 661.00 towards coastal mitigation.**

INFORMATION

1.0 Summary Of Key Issues & Conclusions

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

- Principle of the development,
- Impact on amenity (visual and residential).
- Impact on highway safety.
- Impact on biodiversity; and,
- Other issues.

1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and take into account any other material considerations in reaching their decision.

2.0 Description of the Site

2.1 The site to which this application relates is the formerly occupied Springfield House Care Home (Use Class C2). The site measures approximately 0.13 hectares (ha). The existing property occupies a position close to the access junction with Station Road. The site is bound by existing residential development to the north of the site. Allotments are located to the east of the site. Community facilities and parking provision are located to the south of the site. Other local amenities are located beyond Station Road to the north.

2.2 The site can be accessed from Springfield Park. There is a gated vehicular access to the western boundary and an existing pedestrian access to the southern boundary. The site is enclosed by varying boundary treatments: stone wall with railings and gated access to front; timber fence to north boundary; timber fence to southern boundary with an existing gated access; and, a stonewall to the eastern boundary.

2.3 There are a small number of existing trees and groups of trees located along the southern and western boundaries of the site. A group of trees covering the southern and western boundaries are protected by a Tree Preservation Order (TPO).

2.4 Springfield Park is locally listed (Ref: 07/0100/LOCAL). The detailed description states:

“A neighbourhood park established circa 1940s. The park has bowling greens, tennis courts, a play site, gardens, a community centre and a Day Care Nursery. An important piece of open space in a built-up area that is well-loved by locals.”

3.0 Description of the Proposed Development

3.1 Planning permission is sought for a change of use of a vacant former care home to provide 11 no. residential apartments with associated parking, landscaping and other associated infrastructure.

4.0 Relevant Planning History

07/03203/LAREG3 - The erection of new fencing to Springfield Park entrance – Permitted 20.11.2007

90/00504/REM - Approval of Reserved Matters. Home for the elderly and construction of new highway – Permitted 05.07.1990

89/02130/OUT - Demolition of derelict dwelling house and erection of 2 storey home for the elderly (approx. 32 beds) – Permitted 06.02.1990

88/01471/FUL - 12 no. 2 bedroom flats in a 3 storey block – Refused 01.12.1988

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policies

6.1 National Planning Policy Framework (NPPF) (February 2019)

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

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

- Principle of the development,
- Impact on amenity (visual and residential).
- Impact on highway safety.
- Impact on biodiversity; and,
- Other issues.

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

8.0 Principle of development

8.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF however, it is clear from paragraph 213 of the NPPF that: "However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)." The council considers that the local plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

8.2 The National Planning Policy Framework (NPPF) states that at the heart of the Framework is a presumption in favour of sustainable development running through both plan-making and decision taking. For decision taking this means approving development proposals that accord with an up-to-date Plan without delay; or where there are no relevant development plan policies or the policies which are most important are out-of-date grant planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

8.3 Paragraph 59 of the NPPF states “To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed.” In order to achieve this objective Government requires local planning authorities to identify annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer of 5% to ensure choice and competition in the market for land. Where there has been a significant under delivery of housing over the previous three years, the buffer should be increased by 20%.

8.4 The underlying principle of national policy is to deliver sustainable development to secure a better quality of life for everyone now and future generations. This principle is key to the role of the planning system in the development process. The aims of how the Local Plan contributes towards achieving sustainable development for North Tyneside are set out under Policy S1.1 ‘Spatial Strategy for Sustainable Development’. This policy sets out the broad spatial strategy for the delivery of the objectives of the Plan.

8.5 Strategic Policy S1.4 ‘General Development Principles’ states that proposals for development will be considered favourably where it can be demonstrated that they would accord with strategic, development management and other area specific policies in the Plan. Amongst other matters, this includes considering flood risk, impact on amenity, impact on existing infrastructure and making the most effective and efficient use of land.

8.6 The overarching spatial strategy for housing is to protect and promote cohesive, mixed, and thriving communities, offering the right kind of homes in the right locations. The scale of housing provision and its distribution is designed to meet the needs of the existing community and to support economic growth of North Tyneside. Strategic Policy S4.1 ‘Strategic Housing’ sets out the broad strategy for delivering housing.

8.7 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 through the Development Management process and application of the policies of the Local Plan.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- a. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or
- b. Specific policies in the NPPF indicate that development should be restricted.”

8.8 LP Policy S4.3 Distribution of Housing Development Sites states: “The sites allocated for housing development are identified on the Policies Map of the North

Tyneside Local Plan 2017, including those identified for both housing and mixed-use schemes. The Strategic Housing Land Availability Assessment 2016 outlines that these sites have an overall capacity of approximately 8, 838 homes, assessed as being deliverable and developable over the plan period to 2032.”

8.9 The application site, brownfield land, is not allocated for any specific use in the Local Plan (LP). It is located within close proximity to the district centre of Forest Hall which offers a range of local facilities and services, including access to bus services. Future occupants will also be able to access the Metro (Benton Metro Station). The proposed development would bring a vacant building back into use. Members need to determine whether the principle of development is acceptable. It is officer advice, subject to all other matters set out below being addressed, that the principle of bringing a vacant building back into residential use would accord with the advice set out in the NPPF and policies DM1.3 and S4.1 of the LP.

9.0 North Tyneside Council Housing Land Supply

9.1 Paragraph 73 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling five-year supply of deliverable housing land. This includes an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

9.2 The most up to date assessment of housing land supply informed by the March 2019 five-year Housing Land Supply Summary identifies the total potential five-year housing land supply in the borough at 5,396 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a surplus against the Local Plan requirement (or a 6.1 year supply of housing land). It is important to note that this assessment of five-year land supply includes just over 2,000 homes at proposed housing allocations within the Local Plan (2017).

9.3 The proposed development would assist in supporting the council’s objective of meeting the objectively assessed housing need and ensure a mix of housing for both existing and new residents in the borough. This is therefore in accordance with LP policies S4.1 and S4.2(a) ‘Housing Figures’.

10.0 Impact on amenity (visual and residential)

10.1 Paragraph 124 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.

10.2 Paragraph 127 of the NPPF states that decisions should ensure that developments: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and

distinctive places to live, work and visit; optimise the potential of the to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

10.3 Paragraph 91 of the NPPF, amongst other matters, seeks to promote healthy and safe communities. Decisions should aim to achieve healthy, inclusive and safe places which: promote social interaction....street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages; are safe and accessible....enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

10.4 Paragraph 130 of the NPPF makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

10.5 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 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.”

10.6 The Council has produced an SPD on design quality. It states that the Council will encourage innovation in design and layout, provided that the existing quality and character of the immediate and wider environment are respected and enhanced, and local distinctiveness is generated. It also states that the quality of accommodation provided in residential development contributes significantly to the quality of life of residents. Residential schemes should provide accommodation of a good size, a good outlook, acceptable shape and layout of rooms and with main habitable rooms receiving daylight and adequate privacy.

10.7 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."

10.8 Local Planning Authorities have the option to set additional technical requirements exceeding the minimum standards set by Building Regulations in respect of access and water efficiency, and a Nationally Described Space Standard (NDSS). In this context, access relates to how people access and use a dwelling and its facilities and for space, this relates to the internal space of a dwelling. During the preparation of the LP work was undertaken to establish whether there was a need to implement these higher standards in North Tyneside. The evidence concluded that there was a need, in terms of the optional standards relating to access and internal space, to introduce these higher standards. These housing standards are set out in Policy DM4.9 of the LP. Members are advised that the housing standards policy does not apply to this application. Paragraph 7.112 of the explanatory text states that the application of NDSS "does not apply to an extension or a material change of use".

10.9 This application seeks to convert a former residential care home into 11no. residential apartments/studios. The existing layout of this two-storey building is largely the same on both ground and first floor, with a central u-shaped corridor providing access to the separate rooms. Access to the first floor will be provided by a new staircase at the main entrance.

10.10 The applicant has advised that the proposed conversion seeks to utilise as much of the existing structure as possible, re-using the existing corridor for access to the new units. Existing external openings are retained and dictate the internal layouts of the apartments ensuring all bedrooms and living spaces have openable windows. Some existing external doors will be replaced with windows to match the existing, with new openings created as part of the design.

10.11 The objections received from No. 1 Eastern Villas, located to the north of the site, are noted. Members are advised that the applicant has amended the plan to omit a unit from the first floor (north east corner) of the proposed development. The removal of this unit negates the need for the installation of any roof lights to the north roof slope. The only alterations proposed to the north elevation relate to the ground floor only utilising existing openings. Currently there are five openings in this elevation: a door and window serving a former kitchen area, a bathroom window, double doors serving a boiler room and a door serving a fire escape. The door openings will now be replaced with windows that will serve units 5 and 6. The impact on loss of privacy to this neighbouring property is noted. The objector states that these windows will be sited approximately 0.3m above the existing boundary treatment. Whilst this may cause some loss of privacy to part of their garden area, this impact is not considered to be sufficient to sustain a recommendation of refusal. The other objections relating to noise and dust during construction and impacts on highway safety following completion of the development. These objections will be addressed in the latter sections of this report.

10.12 The design comments make specific reference to concerns regarding the size of units 3 and 9 (1 bed studio apartments). The comments also make specific reference to the fact that these units are single aspect. It is noted that the design comments consider that the area of now void space on the first floor could be utilised to provide improved layouts for the 11 units proposed. Members are advised that Unit 11 has been omitted from this proposal to avoid carrying out any works to the roof which could have impacted on protected species. The applicant has advised that this development has not been explicitly designed in line with the NDSS, but has been designed to provide sufficient residential amenity and in accordance with the relevant Building Regulations. Each apartment includes an open plan living/dining/kitchen arrangement. Windows will serve the habitable rooms. The applicant considers that this layout reflects modern day living requirements and provides a far more enjoyable space to live in. Some apartments will have access to private outdoor amenity space (Plots 1, 2, 3 and 4). Members will need to balance the layout and size of the units against bringing a vacant building back into use.

10.13 Existing parking is provided within the north western part of the site. This existing parking will be utilised to accommodate seven parking spaces and a bin store. A condition is recommended to secure the final details of the bin store. Additional parking is provided to the south of the existing parking area creating an additional three parking bays. The additional parking will be accessed via a separate opening to be created in the western boundary. The use of grasscrete will assist in reducing the visual impact of the additional parking.

10.14 The design comments express concerns regarding the proposed two storey cycle shelter proposed to the rear of the site in terms of its visual impact and access to it. The proposed site layout shows the location of the proposed cycle store and its relationship to the habitable windows serving the proposed units. On balance, subject to securing an appropriate design and visual appearance, it is not considered that the outlook from the proposed units would be significantly affected. It is considered that a condition can be imposed to secure the final details of the cycle shelter and a condition can be imposed to secure the details of any new boundary treatments or alterations to the existing boundary treatments.

10.15 The comments received from Northumbria Police are noted. It is clear from their comments that they have not objected. Informatives are suggested to advise the applicant that they should consider the future security of the site.

10.16 The existing site boundary is flanked by mature trees on the western and southern boundaries. Some of which are protected by a TPO.

10.17 Policy DM5.9 Trees, Woodland and Hedgerows of the Local Plan applies to this site where the Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows.

10.18 The Council's Landscape Architect has been consulted. She has considered the submitted Arboricultural Impact Assessment (AIA) and supporting information. To accommodate the proposed development the existing access to the site will be utilised. To the north of this access the proposed bin store will

require the removal of one small group of trees (Group 1). She considers the removal of this group of trees to be acceptable.

10.19 The alterations required to accommodate the parking provision will result in construction works occurring within the root protection area (RPA) of protected trees T1, T2 and T3. These works will also require the removal of a small group of shrub species (Group 2) and construction activity within the RPA of protected trees T3 and T4.

10.20 The Landscape Architect has also advised that the proposed cycle store will be located to the east of the site and within the RPA of T7.

10.21 The supporting information advises that the hardstanding for the proposed bin store, cycle store and additional parking bays will be constructed using grasscrete. There are benefits to using grasscrete but in order to fully function it requires excavation into existing grassed areas for the underlying layers, compaction of the sub base, formwork, potentially mesh reinforcement, with concrete usually poured from heavy construction vehicles which will require access across the root protection areas of trees on the site. It is proposed that the grasscrete will be installed above existing ground levels using a no-dig method that avoids unnecessary excavation within the root protection area and avoiding any significant adverse impact on trees to be retained. There does not appear to include for any new lighting within the external areas of the site and an existing gated access is to be retained to the southern boundary which could potentially be used to access the area near T7.

10.22 The Landscape Architect has advised that the proposed construction works and associated vehicle movements around the site can impact on the long term health of the protected trees. The Arboricultural Method Statement (AMS) recommends that the developer appoints a suitably qualified arboriculturalist to monitor and oversee the implementation of the works on site and in accordance with an approved method statement. She has advised that this is an important requirement as without this the potential impacts on protected trees from this level of work would not be acceptable and unable to meet the requirements of Policy DM5.9. This can be conditioned.

10.23 It is clear from the Landscape Architects comments that appropriate mitigation can be secured by imposing the suggested conditions. Subject to imposing these conditions, it is the view of the case officer, that the trees to be retained can be adequately protected.

10.24 Paragraph 180 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 impacts resulting from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life.

10.25 LP Policy S1.4 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.

10.26 LP Policy DM5.19 Pollution states: “Development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity.

10.27 Development proposed where pollution levels are unacceptable will not be permitted unless it is possible for mitigation measures to be introduced to secure a satisfactory living or working environment.”

10.28 Environmental Health have been consulted. They have raised no objection in principle to this development, subject to conditions to control the hours of construction and dust mitigation. By imposing these conditions, the impacts on the amenity of neighbouring properties will be protected.

10.29 Members need to consider whether the proposed development is acceptable in terms of its design and layout and its impact on residential amenity. It is officer advice that the proposed number of units can be comfortably accommodated within the site without significantly impacting on the TPO'd trees or affecting the residential amenity of existing and future residents. Members need to consider the amount of development proposed and the layout and balance this against bringing a vacant building back into use. As such, subject to the imposition of the suggested conditions, the development is in accordance with the advice in the NPPF, LP policies DM6.1, DM7.9 and DM5.9 and the Design Quality SPD.

11.0 Highways

11.1 NPPF recognises that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives.

11.2 Paragraph 108 of NPPF states that when assessing sites for specific development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and,
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

11.3 Paragraph 109 of NPPF states 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.

11.4 Paragraph 110 of NPPF sets out advice on sustainable transport and connections.

11.5 All developments that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be supported by a Transport Statement (TS) or Transport Assessment (TA) so the likely impacts of the proposal can be fully assessed.

11.6 Policy S7.3 states that the Council, will support its partners, who seek to provide a comprehensive, integrated, safe, accessible and efficient public transport network, capable of supporting development proposals and future levels of growth.

11.7 LP Policy DM7.4 New Development and Transport states: "The Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support resident's health and well-being". Amongst other matters this includes improving accessibility; being accompanied by the relevant documents; complying with the council's parking and cycling standards.

11.8 LDD12 Transport and Highways SPD sets out the Council's adopted parking standards.

11.9 Access to the site is provided off Springfield Park. It is located within close proximity to the Forest Hall District Centre and other local services.

11.10 The Highways Network Manager has been consulted and he has reviewed the supporting information. He has advised that the level of parking provision proposed is not in accordance with current standards. However, this application relates to a change of use and when considering the former use of the site the proposed level of parking provision is considered acceptable. A small amount of overspill onto Springfield Park is unlikely to have a severe impact on highway safety under guidance in the NPPF. Furthermore, the site also has reasonable links to public transport and cycle parking will be provided. On balance, he has recommended conditional approval. It is considered that the proposed construction method statement will mitigate disruption to the highway network during construction and the parking management condition will assist in mitigating impacts following completion of the development.

11.11 Members need to consider whether the proposal is acceptable in terms of its impact on highway safety and the wider highway network. It is officer advice that subject to conditions the proposal is acceptable. As such, the proposed development accords with the NPPF and the LP.

12.0 Impact on biodiversity

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

12.2 Paragraph 170 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.

12.3 Paragraph 174 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 175 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.

12.4 LP Policy S5.4 Biodiversity and Geodiversity seeks to protect, create, enhance and manage these resources having regard to their relative significance.

12.5 LP DM5.5 Managing effects on Biodiversity and Geodiversity states:

"All development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate. Proposals which 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:
- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,
- f. 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.

Proposed development on land within or outside a SSSI likely to have an adverse effect on that site would only be permitted where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the SSSI national network."

12.6 LP Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either along or in-combination with other plans or projects will require an appropriate assessment. Proposals that adversely affect a sites integrity can only proceed where there are no alternatives, imperative reasons of overriding interest area proven and the effects are compensated.

12.7 The Council's Biodiversity Officer has been consulted. She has considered the submitted daytime Bat Risk Assessment. This assessment concludes that the structure of the building is considered to be of moderate suitability to roosting bats. The proposed works are primarily internal works with no remedial works to soffits, rainwater good or hanging tiles. There are no proposed works to the roof or roof voids and no service works are planned to the voids. Therefore, it is concluded that potential roosting locations will not be affected by the proposed works. On this basis, the impacts on protected species can be appropriately controlled by imposing the suggested conditions.

12.8 The application site is located beyond the 6km buffer of the Northumbria Coast Special Protection Area (SPA). However, it will still have an impact on the coast as result of an increase in recreational disturbance. This development will need to comply with the Coastal Mitigation SPD which provides guidance and information on the mitigation required from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. This development is required to pay the lower tariff (£151.00 per dwelling). The applicant has agreed to pay this financial contribution.

12.9 Members need to consider whether the proposal is acceptable in terms of its impact on biodiversity. It is officer advice that, subject to conditions and securing the coastal mitigation contribution, this development will avoid harm to biodiversity in accordance with the advice in NPPF and LP policies S5.4, DM5.5, DM5.6 and DM5.9.

13.0 Other issues

13.1 Flooding

13.2 Paragraph 157 of the NPPF advises that all plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.

13.3 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

13.4 Northumbrian Water (NWL) has been consulted. They have advised that as the proposal is for the conversion of an existing building there will be no impact on the ability of their network to accept flows. They would encourage the developer to consider utilising sustainable surface water drainage solutions where possible.

13.5 Members need to consider whether the proposal is acceptable in terms of its impact on flooding. It is officer advice that it is acceptable.

13.6 Ground conditions

13.7 Paragraph 178 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. Paragraph 179 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. In addition, NPPG makes it clear that planning applications in the defined Coal Mining High Risk Area must be accompanied by a Coal Mining Risk Assessment.

13.8 LP Policy DM5.18 Contaminated and Unstable Land requires proposals to be accompanied by the relevant reports where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment.

13.9 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.

13.10 The Contaminated Land Officer has been consulted. She has raised no objection to the proposed development.

13.11 Members need to consider whether the site is appropriate for its proposed use. It is officer advice that it is.

13.12 Archaeology

13.13 Paragraph 199 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.

13.14 LP 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.

13.15 The Tyne and Wear Archaeology Officer has been consulted.

13.16 The proposed development site is adjacent to Springfield Park, which is a mid-20th century neighbourhood park that is entered on the North Tyneside local list (07/0100/LOCAL) and the Historic Environment Record (HER 9483). The existing building is modern, though it stands on the site of the southern part (number 2) of the 19th century Eastern Villas.

13.17 The Tyne and Wear Archaeology Officer has advised that the proposed conversion will not have any impact on the significance of Springfield Park.

Archaeological evidence of any earlier activity on the site is likely to have been truncated or removed by 19th and 20th century development. She considers that the proposal will not have a significant impact on any known heritage assets, and no archaeological work is required.

13.18 Aviation Safety

13.19 Newcastle International Airport Limited (NIAL) has been consulted. They have raised no objection to the proposed development.

14.0 S106 Contributions

14.1 Paragraph 54 of NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

14.2 Paragraph 56 of NPPF states that planning obligations must only be sought where they meet all of the following tests;

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

14.3 LP S7.1 General Infrastructure and Funding states “The Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of provision.

The Council will also work together with other public sector organisations, within and beyond the Borough, to achieve funding for other necessary items of infrastructure. This will include the use of combined and innovative funding schemes to maximise the amount and impact of funding.

New development may be required to contribute to infrastructure provision to meet the impact of that growth, through the use of planning obligations and other means including the Community Infrastructure Levy (CIL).

Planning obligations will be sought where:

- a. It is not possible to address unacceptable impacts through the use of a condition; and,
- b. The contributions are fair, reasonable, directly related to the development and necessary to make the application acceptable.

In determining the level of contributions required from a development, regard will be given to the impact on the economic viability of the scheme.”

14.4 LP Policy DM4.7 states that the Council will seek 25% of new homes to be affordable on new housing development of 11 or more dwellings, taking into consideration specific site circumstances and economic viability.

14.5 LP Policy DM7.2 states that the Council is committed to enabling a viable and deliverable sustainable development. If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this. When determining the contributions required, consideration will be given to the application's overall conformity with the presumption in favour of sustainable development.

14.6 LP Policy DM7.5 'Employment and Skills' seeks applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training.

14.7 The Council's adopted SPD on Planning Obligations (2018) states that the Council takes a robust stance in relation to ensuring new development appropriately mitigates its impact on the physical, social and economic infrastructure of North Tyneside. Notwithstanding that, planning obligations should not place unreasonable demands upon developers, particularly in relation to the impact upon the economic viability of development. The Council will consider and engage with applicants to identify appropriate solutions where matters of viability arise and require negotiation.

14.8 Paragraph 63 of the NPPF provides an incentive for brownfield development on sites containing vacant buildings. PPG states specifically that "Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floor space of relevant vacant buildings". The floorspace of the existing building will not increase as a result of this development, the vacant building credit would wholly offset any affordable housing requirements.

14.9 The S106 contributions relating to biodiversity, equipped play for parks, primary education and employment and training are considered necessary directly related to the development. As such, the development complies with the CIL Regulations, the NPPF and LP policies.

14.10 For a site to be considered occupied for the purposes of CIL, it is required to be occupied for a continuous period of six months within the last three years. As such, the development would not be chargeable, or thus liable for CIL payments.

15.0 Local Financial Considerations

15.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to local finance considerations 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, that will or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments).

15.2 The proposal involves the creation of 11 no. new dwellings. Granting planning permission for new dwellings therefore increases the amount of New

Homes Bonus, which the Council will potentially receive. As the system currently stands, for North Tyneside for the new increase in dwellings built 2017/18, the council will receive funding for five years. However, the Secretary of State has confirmed that in 2018/19 New Homes Bonus payments will be made for four rather than five years. In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period.

15.3 Members should give appropriate weight to amongst all other material considerations to the benefit of the Council as a result of the monies received from central Government.

15.4 In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period.

15.5 Members should give appropriate weight to amongst all other material considerations to the benefit of the Council as a result of the monies received from central Government.

16.0 Conclusions

16.1 Members should consider carefully 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 The application site lies in close proximity to an existing built up area and it is located in close proximity to existing local services. Members need to consider the impacts of the proposed development as set out in paragraph 1.0 of this report. It is officer advice that the development is acceptable in terms of its impact on the highway network, its impact on flood risk, its impact on ground conditions, its impact on existing landscape features and biodiversity, its impact on residential amenity and its overall design and appearance.

16.4 On balance, approval is recommended, subject to conditions and securing the requested financial contributions a S106 Agreement.

RECOMMENDATION: Minded to grant legal agreement req.

It is recommended that members indicate they are minded to approve the application and grant delegated powers to the Head of Environment, Housing and Leisure to determine the application subject to:

- a) the conditions set out below and the amendment to, addition or omission of any other condition considered necessary;**
- b) the applicant entering into a legal agreement to secure the following:**

-Ecology and Biodiversity - £1, 100.00 towards habitat creation/mitigation and footpath improvements at Springfield Park.

-Equipped area for play - £7, 700.00 towards equipped play sites in the vicinity of the development in the north west of the borough.

-Primary Education - £25, 000.00 towards increase in capacity in either existing or new provision.

-Employment and Training - £3, 000.00 towards delivering employability interventions to upskill local residents.

-Coastal Mitigation £1, 1, 661.00 towards coastal mitigation.

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 SK-00.01 X

Existing site plan SK-10.01 X

Existing elevations SK-30.01 X

Existing roof plan SK-20.03

Existing first floor plan SK-20.02 X

Existing ground floor plan SK-20.01 X

Site cross section B-B SK-10.05 A

Site cross section A-A SK-10.04 X

Proposed site plan colour render SK-10.03 B

Proposed site plan SK-10.02 E

Proposed section SK-40.01 A

Proposed elevations SK-30.02 B

Proposed roof plan SK-20.06 B

Proposed first floor plan SK-20.05 D

Proposed ground floor plan SK-20.04 A

First floor demolition plan SK-20.08 A

Ground floor demolition plan SK-20.07 X

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. The construction site 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.

4. Notwithstanding Condition 1, 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; 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, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development), temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires. These details must include tree protection measures for the trees to be retained. Details of access for heavy vehicles for the installation of Grasscrete are also to be provided with no heavy machinery is to be located within the RPA's of retained trees. Concrete deliveries to site for the installation of grasscrete is to be in accordance with an approved method statement which is to be submitted for approval and to include site access for the installation of grasscrete to the east of the site (Tree T7) including any additional tree protection requirements. Any new kerb edges, other than the drop kerb to the highway, are to be constructed using timber or a similar method to approval. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre-development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

5. The scheme for parking and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of any part of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway having regard to policies DM6.1 and DM7.4 of the North Tyneside Local Plan (2017).

6. Notwithstanding Condition 1, prior to the occupation of any part of the development hereby approved details of facilities, including elevations and materials, to be provided for the storage of refuse, recycling and garden waste to accommodate eleven residential units and details of collection shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled for all waste types shall be provided in accordance with the approved details, prior to the occupation of any part of the development hereby approved 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).

7. No part of the development hereby approved shall be occupied until a parking management scheme for the site has been submitted to and agreed in

writing by the Local Planning Authority. Thereafter this parking management scheme shall be carried out in accordance with the agreed details.

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

8. Cycle Parking

PAR00 *

6

9. Trees T1, T2, T3, T4, T5 T6, T7, N1, N2 and N3 are to be retained. Tree/shrub groups G1 and G2 are to be removed. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

10. Prior to the commencement of any site clearance works (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), tree protection is to be installed in accordance with Elliot Consultancy Tree Protection Plan (ARB/CP/2432/TPP). The tree protection fence is to be of a type and height as described in the AMS. The area surrounding each tree group within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority. Photographic evidence is to be submitted on completion of the installation of the fence. Reason: This is required from the outset to ensure existing landscape features to be retained are protected during construction having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

11. Prior to the commencement of any development hereby approved a revised Arboricultural Method Statement is to be submitted to incorporate the amended layout as per revised drawing rev E. Thereafter, the development hereby permitted shall only be carried out in accordance with the revised Arboricultural Method Statement, Tree Protection Plan, BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations', cross sections 1341-HAM SK-10.05 Rev A and 1341-HAM SK-10.04 Rev X and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'.

Reason: This is required from the outset to ensure existing landscape features to be retained are protected during construction having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

12. All works within the root protection areas (RPA) of retained trees involving excavation of soil, including the installation of all services, construction for vehicular drives, parking areas, installation of drop kerbs, foundations, lighting and other hard surfacing (for example) are to be installed in accordance with the AMS with all works being undertaken using an air spade or dug by hand with a photographic record of works undertaken. Confirmation of the proposed working method is to be submitted for approval prior to any works commencing onsite.

Reason: This is required from the outset to ensure existing landscape features to be retained are protected during construction having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

13. No changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority.

Reason: To ensure existing landscape features to be retained are protected during construction having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

14. Prior to carrying out any works to existing boundary treatments or the construction of any new boundary treatments details indicating the positions, design, materials and type of any new or altered boundary treatments shall be submitted to and approved by the Local Planning Authority. All works where they impact on retained trees are to be carried out by hand and in accordance with BS 5837:2012 and AMS. Alternatives to timber treatments that are injurious to mammals will be sought and used on site (see http://www.jncc.gov.uk/pdf/batwork_manualpt4.pdf). Thereafter, these agreed works shall be carried out in full accordance with these details.

Reason: To ensure existing landscape features to be retained are protected during construction and securing a satisfactory external appearance having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

15. Prior to any pruning works being carried out details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the pruning works shall be carried out in accordance with these agreed details. Any pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works.

Reason: To ensure existing landscape features to be retained are protected during construction having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

16. Prior to the commencement of any part of the development hereby approved an arboricultural consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to monitor and oversee the implementation of the works as set out in the AMS. This condition may only be fully discharged on completion of the development subject to satisfactory written and photographic evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

Reason: This is required from the outset to ensure existing landscape features to be retained are protected during construction having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

17. Prior to the occupation of any part of the development hereby approved a landscape plan for the planting of 1no tree shall be submitted to and approved in writing by the Local Planning Authority. The tree shall be a minimum of 12-14 cm girth and planted in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Should that tree, within a period of five years after planting, is removed, dies or becomes seriously damaged or defective, it shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. No development shall take place until a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

Reason: To ensure a satisfactory external appearance is secured regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

18. No vegetation removal or building works shall take place during the bird nesting season (March- August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

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).

19. Notwithstanding Condition 1, prior to the occupation of any part of the development hereby approved details of 2no. bird boxes to be installed within the application site, including specifications and locations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be installed prior to the occupation of the dwelling(s) on which they are to be installed and permanently retained.

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).

20. Notwithstanding Condition 1, prior to the occupation of any part of the development hereby approved details of 2no. bat boxes to be installed within the application site, including specifications and locations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be installed prior to the occupation of the dwelling(s) on which they are to be installed and permanently retained.

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).

21. Prior to the installation of any external lighting a detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be low level, avoiding use of high intensity security lighting and will be designed in accordance with the BCT & Institute of Lighting Professionals (ILP) Guidance Note 08/18 "Bats & Artificial Lighting in the UK". Thereafter, this agreed scheme shall be carried out in full accordance with these details.

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).

22. The materials to be used for any alterations to the external surfaces, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority otherwise first agrees in writing.

Reason: To secure a satisfactory external appearance having regard to policy DM6.1 of the North Tyneside Council Local Plan 2017.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

Informatives

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Take Care Proximity to Party Boundary (I21)

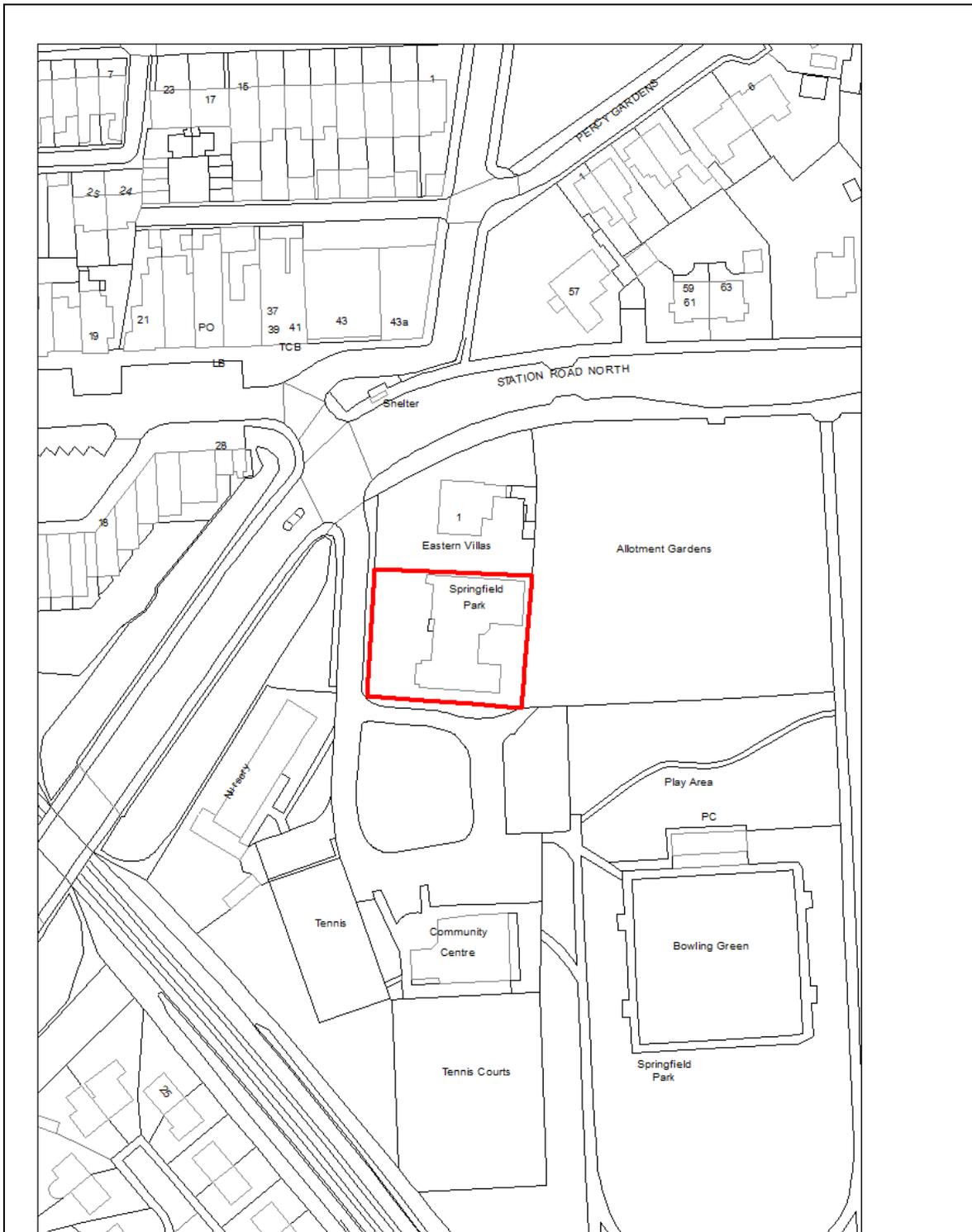
Advice All Works Within Applicants Land (I29)

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

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

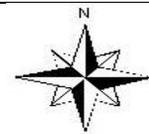
Northumbria Police have provided some advice on the following: -Development should be designed to prevent unauthorised access from the side of the property into the site, particularly the proposed cycle store. -The cycle store must be designed securely to prevent the theft of cycles. -Boundary treatments should be designed to improve natural surveillance, particularly for those using the cycle store. -Recommended lighting of the communal car park and communal parts of the development (as recommended by BS 5489-1:2013). -Recommended the use of access control measures to the main entrance.



Application reference: 20/01271/FUL
Location: 2 Eastern Villas, Springfield Park, Forest Hall
Proposal: Change of use of a vacant former care home to provide 11 no. residential apartments with associated parking, landscaping and other associated infrastructure (Amended description)

Not to scale
 Date: 04.02.2021

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**Appendix 1 – 20/01271/FUL
Item 2**

Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 This application is for a change of use of a vacant former care home to provide 11 residential apartments with associated parking, landscaping and other associated infrastructure.

1.3 The site has been established for some time and whilst parking is not being provided in accordance with current standards, when taking into account the previous established use and conversion to the proposed use the level of parking is considered to be acceptable and a small amount of overspill onto Springfield Park is unlikely to have a severe impact on highway safety under guidance in the NPPF.

1.4 Furthermore, the site also has reasonable links to public transport and cycle parking will be provided. For these reasons and on balance, conditional approval is recommended.

1.5 Recommendation - Conditional Approval

1.6 Conditions:

PAR04 - Veh: Parking, Garaging before Occ
REF01 - Refuse Storage: Detail, Provide Before Occ
SIT06 - Construction Method Statement (Minor)

No part of the development shall be occupied until a parking management scheme for the site has been submitted to and agreed in writing by the Local planning Authority. Thereafter this parking management scheme shall be carried out in accordance with the agreed details.

Reason: In the interests of highway safety.

1.7 Informatives:

I10 - No Doors/Gates to Project over Highways
I12 - Contact ERH Erect Scaffolding on Rd
I13 - Don't obstruct Highway, Build Materials
I45 - Street Naming & Numbering
I46 - Highway Inspection before dvlp

1.8 Landscape Architect

1.9 Existing Site Context

1.10 The application refers to a former care home centre, bordering the Springfield Park area of Forest Hall. The property occupies a position close to the access junction with Station Road and is bordered by a private residential property to the north and a nursery day centre to the south, along with an

associated car-parking area, servicing Springfield Park. There are significant mature trees surrounding the property, along the frontage and on other land, adjacent to the southern elevation of the property, with other sporadic groupings of mature shrubs bordering the trees and perimeter areas of the site. On the site, the trees are predominantly located adjacent to the west and southern boundaries and a number of trees which have an influence within the site, are located within adjacent properties. The existing trees around the property provide an important component of the local landscape structure and also help attenuate the sound and activity of the adjacent road and rail transport corridors.

1.11 Trees to the western and southern boundaries of the site (T1, T2 T3, T4, N1, N2 and N3) are protected by the Longbenton No.2 Tree Preservation Order (TPO) 1971 and located within G5 of the Order and includes the sycamore trees.

1.12 Policy DM5.9 Trees, Woodland and Hedgerows of the Local Plan applies to this site where the Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows.

1.13 Landscape Comments (Trees and Landscape Advice)

1.14 The protected Sycamore trees (T1 to T4) bordering the property are of mature scale and age and have been underplanted, in places, with a shrub understorey of mixed species type. In places the shrubs are outgrowing their situation and require thinning and/or removal. There are also Lawson Cypress conifer trees present (T5 and T6) that have become sparse in relation to their foliage and are growing into the adjacent tree canopy structure(s), which may become problematic in the future, as they continue to conflict with the mature broadleaf trees bordering the site. A monkey puzzle tree is located to the east of the site (T7). Three mature trees are located on neighbouring land along the southern boundary with the site (N1 to N3).

1.15 It is proposed that the existing building will be converted into residential apartments with a cycle store and increased vehicle parking within the grounds.

1.16 An AIA has been submitted with the application which assessed the trees on the site and has evaluated the trees with regard to their quality and retention using criteria outlined in British Standard 5837:2012 – '*Trees in Relation to Design, Demolition & Construction*'. The AIA is supported by a Tree Constraints Plan and Arboricultural Impact Plan which has been developed to take into consideration various concerns relating to the potential impacts from the development on the retained trees. The 7no trees located in the site boundary are within the influencing distance of the proposed works. Five trees located within the site (sycamore and monkey puzzle) have been categorised as B (moderate quality trees and value) and 2no trees and 2no tree groups have been categorised as C (low quality and value). The category C trees include the 2no. Lawson cypress. No trees have been categorised as high quality trees (category A), however, overall the majority of the trees within the site are of reasonable to good physiological and structural condition with few arboricultural issues noted.

1.17 In summary the works comprise of:

-An existing access to the site will be utilized. To the immediate north of this access it is proposed to install a new and larger bin store to replace a smaller existing bin store at this location. This will require the removal of one small group of trees (Group 1) comprising of Holly which has been assessed as Category C. Its removal is considered acceptable.

-Within the site, the current car park layout will be increased in size. Currently on site, the parking areas are block paved but the increase in size will result in construction works, occurring within the root protection area (RPA) of protected trees T1, T2 and T3.

-To the south a new car park area will be constructed in the existing grassed area and accessed from a new opening in an existing stone boundary wall. Works will require the removal of a small group of shrub species (Group 2) and construction activity within the RPA of protected trees T3 and T4.

-A cycle store will be located to the east of the site and within the root protection area of T7.

-It is proposed to construct the hardstanding for the new bin store, cycle shelter, car parking bay 07 and the new car parking bays 8 to 10 using grasscrete. This is a porous surface allowing water to percolate through to the ground below. Whilst this product has its advantages (porous), grasscrete is cast on-site and is a reinforced concrete paving system. In order to fully function, grasscrete requires excavation into existing grassed areas for the underlying layers, compaction of the sub base, formwork, potentially mesh reinforcement, with concrete usually poured from heavy construction vehicles which will require access across the root protection areas of trees on the site. The applicant has confirmed that the Grasscrete will be installed above existing ground levels using a no-dig method that avoids any unnecessary excavation within the root protection area and avoiding any significant adverse impact on trees to be retained. The applicant is also supported by cross sections and a revised AMS. In addition, a further revision to the site plan has been made that looks to retain bays 4, 5, 6 and 7 in their existing location to avoid any further unnecessary impact on tree roots. There does not appear to include for any new lighting within the external areas of the site and an existing gated access is to be retained to the southern boundary which could potentially be used to access the area near T7.

The proposed construction works and associated vehicle movements around the site can impact on the long term health of the protected trees. The Arboricultural Method Statement (AMS) recommends that the developer appoints a suitably qualified arboriculturalist to monitor and oversee the implementation of the works on site and in accordance with an approved method statement. This is an important requirement as without this the potential impacts on protected trees from this level of work would not be acceptable and unable to meet the requirements of Policy DM5.9. Should the application be supported the following conditions need to be applied.

1.18 Suggested conditions:

Trees T1, T2, T3, T4, T5 T6, T7, N1, N2 and N3 are to be retained. Tree/shrub groups G1 and G2 are to be removed. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Prior to the commencement of any site clearance works (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), tree protection is to be installed in accordance with Elliot Consultancy Tree Protection Plan (ARB/CP/2432/TPP). The tree protection fence is to be of a type and height as described in the AMS. The area surrounding each tree group within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority. Photographic evidence is to be submitted on completion of the installation of the fence.

A revised Arboricultural Method Statement is to be submitted to incorporate the amended layout as per revised drawing rev E. Thereafter, the development hereby permitted shall only be carried out in accordance with the revised Arboricultural Method Statement, Tree Protection Plan, BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations', cross sections 1341-HAM SK-10.05 Rev A and 1341-HAM SK-10.04 Rev X and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees')

All works within the RPA of retained trees involving excavation of soil, including the installation of all services, construction for vehicular drives, parking areas, installation of drop kerbs, foundations, lighting and other hard surfacing (for example) are to be installed in accordance with the AMS with all works being undertaken using an air spade or dug by hand with a photographic record of works undertaken. Confirmation of the proposed working method is to be submitted for approval.

No changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority.

A plan indicating the positions, design, materials and type of any new or altered boundary treatments shall be submitted to and approved by the Local Planning Authority within one month of work starting on site. All works where they impact

on retained trees are to be carried out by hand and in accordance with BS 5837:2012 and AMS.

Any pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works, detail of which are to be submitted for approval.

The contractor's 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 as concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are to be shown on a plan and 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. Details of access for heavy vehicles for the installation of Grasscrete are also to be provided with no heavy machinery is to be located within the RPA's of retained trees. Concrete deliveries to site for the installation of grasscrete is to be in accordance with an approved method statement which is to be submitted for approval and to include site access for the installation of grasscrete to the east of the site (Tree T7) including any additional tree protection requirements. Any new kerb edges, other than the drop kerb to the highway, are to be constructed using timber or a similar method to approval.

An arboricultural consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to monitor and oversee the implementation of the works as set out in the AMS. This condition may only be fully discharged on completion of the development subject to satisfactory written and photographic evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a landscape plan for the planting of 1 no tree shall be submitted to and approved in writing by the Local Planning Authority. The tree shall be a minimum of 12-14 cm girth and planted in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Should that tree, within a period of five years after planting, be removed, die or become seriously damaged or defective, it shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. No development shall take place until a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

No vegetation removal or building works shall take place during the bird nesting season (March- August inclusive) unless a survey by a suitably qualified

ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

1.19 Biodiversity Officer

1.20 Ecology

1.21 A daytime Bat Risk Assessment has been undertaken by OS Ecology in January 2021 and has been submitted to support the above application. The report concludes that overall, the structure of the building is considered to be of moderate suitability to roosting bats. The proposed works are primarily internal works with no remedial works to soffits, rainwater good or hanging tiles. There are no proposed works to the roof or roof voids and no service works are planned to the voids. Therefore, it is concluded that potential roosting locations will not be affected by the proposed works.

1.22 Based on the nature of the site and the proposed works, no further survey work for protected species or habitats (other than pre-commencement checks detailed below) are considered necessary for this site.

1.23 The following Mitigation/Compensation measures are recommended and should be conditioned as part of the application:-

- External lighting that may affect the site's suitability for bats will be avoided. Lighting will be low level, avoiding use of high intensity security lighting.
- Alternatives to timber treatments that are injurious to mammals will be sought and used on site (see http://www.jncc.gov.uk/pdf/batwork_manualpt4.pdf).
- Works will not be undertaken during the nesting bird season (March to August inclusive) unless the site is checked by an appropriately experienced ecologist and nests are confirmed to be absent.
- The incorporation of opportunities for roosting bats and nesting birds within the development. A total of two bat boxes and two bird boxes should be installed on external walls of the structure or retained trees within the site

1.24 The scheme will also result in the removal of a small group of shrubs within the site. A landscape scheme should address this loss by providing some native shrubs/trees within the site as part of a landscape scheme.

1.25 Coastal Designated Sites

1.26 The scheme will result in an increase in residential accommodation which will contribute to adverse impacts on designated sites at the coast through recreational disturbance. The scheme will, therefore, need to comply with the Councils Coastal Mitigation SPD. The SPD provides guidance and information on the mitigation required from development within North Tyneside to prevent adverse impacts on the internationally protected coastline.

1.27 Conditions:

In order to address the recreational impacts of the scheme on the Northumbria Coast SPA, an appropriate financial contribution will be required towards the delivery of a Coastal Mitigation Service in accordance with the Councils Coastal Mitigation SPD.

No vegetation removal or building works shall take place during the bird nesting season (March- August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

2no. bird boxes will be provided in suitable locations within the development site. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.

2no. bat boxes will be provided in suitable locations within the development site. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.

External lighting will be low level, avoiding use of high intensity security lighting and will be designed in accordance with the BCT & Institute of Lighting Professionals (ILP) Guidance Note 08/18 "*Bats & Artificial Lighting in the UK*". Details of lighting to be submitted to the LPA for approval within 4 weeks of development commencing on site.

Alternatives to timber treatments that are injurious to mammals will be sought and used on site (see http://www.jncc.gov.uk/pdf/batwork_manualpt4.pdf).

A detailed Landscape Scheme will be submitted to the LPA for approval within 4 weeks of development commencing on site and should provide native scrub/trees to mitigate for the loss of planting within the site.

1.28 Environmental Health

1.29 I have no objection in principle to this development but would recommend hours of construction are attached and dust mitigation.

HOU04
SIT03

1.30 Contaminated Land Officer

1.31 I have no objection in principle as the majority of the works are to take place internally. If any spoil is produced as a result of external landscaping then it should be disposed of at a suitably licensed facility.

1.32 Design

1.33 Additional Comments (following the submission of revised plans)

1.34 A two-storey cycle shelter is proposed to the rear of the site and concerns remain about what this would look like and the impact on residential outlook. No detailed design or further information has been submitted. Due to the potential impact of such a tall structure, this matter should be addressed as part of the planning application rather than through a condition. The access to the cycle store is via a long footpath which has boundaries on both sides and may feel unsafe to use.

1.35 There was previously a concern about the quality of accommodation in unit 11. This unit has now been removed from the application with the space left vacant on the proposed plans. It is unclear what the future plan is for this area.

1.36 Units 3 and 9 are 1 bedroom apartments. The size does not meet space standards and the units are single aspect. Space standards exist to ensure there is enough living space for the intended occupier(s). When converting an existing building there can sometimes be constraints restricting the layout. However, in this application there is now a large area on the first floor of the existing building not being used for any purpose, where unit 11 was previously proposed. This gives the scope to rearrange the layout to provide 11 units of a good size.

1.37 Overall, concerns remain about the design and access to the bike store and the quality of accommodation of units 3 and 9.

2.0 Representations

2.1 Objections

2.2 Two objections have been received. These objections are set out below:

-Loss of privacy.

-As the neighbour to the development my main concern is loss of privacy. On the new north elevation there are 7 new dormer style windows at 1st floor level which should be high enough to avoid loss of privacy to our garden. At ground floor level there will be 5 windows - 2 existing and 3 new conversions from the existing doors. Previously the only intrusion has been the existing kitchen window and we planted some small trees in front to prevent loss of privacy. All these windows are about 300mm above the fence line and we would request a discussion with the developers to resolve this.

-Other concerns are the noise and dust generated during refurb works which we trust will be managed in a reasonable way, and the traffic generated from the development. It is a particularly busy area when children are being dropped at the nursery early morning and the entrance back onto Station Rd North is challenging during rush hour.

We trust that consideration can be given to the above points and in general we welcome the development to enhance the residential status of the area.

2.3 Support

2.4 One letter of support has been received. The comments in support of this application are set out below:

Good use of an existing building and reasonable / well designed overall. A good amount of thought has been given to the overall scheme. Shame the parking and outside space is restricted, however given its local position to buses, The Metro the nearby shops and Springfield Park, I imagine this can be overlooked.

3.0 External Consultees

3.1 Northumbrian Water

3.2 In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

3.3 It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/services/developers/>

3.4 Having assessed the proposed development against the context outlined above I can confirm that as the proposal is for the conversion of an existing building there will be no impact on the ability of our network to accept flows. However, Northumbrian Water actively promotes sustainable surface water management across the region and we would encourage the developer to consider utilising sustainable surface water drainage solutions where possible.

3.5 Tyne and Wear Archaeology Officer

3.6 The proposed development site is adjacent to Springfield Park, which is a mid-20th century neighbourhood park that is entered on the North Tyneside local list (07/0100/LOCAL) and the Historic Environment Record (HER 9483). The existing building is modern, though it stands on the site of the southern part (number 2) of the 19th century Eastern Villas. The proposed conversion will not have any impact on the significance of Springfield Park. Archaeological evidence of any earlier activity on the site is likely to have been truncated or removed by 19th and 20th century development.

3.7 I consider that the proposals will not have a significant impact on any known heritage assets, and no archaeological work is required.

3.8 Newcastle International Airport Limited (NIAL)

3.9 No objection.

3.10 Northumbria Police

3.11 I have reviewed the drawings and we have no objection, it is always welcome to see old buildings redeveloped and not left vacant.

3.12 I do however have some comments in relation to the external of development and these are listed below:

Pedestrian access gate to the side of the property – can it be clarified how this will be secured to prevent unlawful access to the rear of the development and cycle store.

Cycle Store - The Design and Access Statement (DAS) mentions a “lockable cycle store accommodating 2 bikes per apartment.....hidden from public view”, there is no mention of the type of cycle store or how this will be secured to prevent the theft of cycles. We would always recommend communal cycle storage should be located within view of active rooms. It is also recommended that cycle stores are lit at night with energy efficient LED lights.

Boundary Treatments – I can find no mention in the DAS or drawings with regards to the boundary treatments and whether existing fences will be retained or replaced. My main concern around part of the treatment is the gate access to

the cycle store and what appears to be narrow footpath behind Plot No. 2. Ideally the sub divisional fencing in this part of the development should be a 1.5m solid fence with a 300mm trellis topping, this will still allow for security to Plot No.2 but also improve the natural surveillance for those people using the cycle store.

External Lighting – Again there is no mention of external lighting, we would recommend lighting of the communal car park to the relevant levels as recommended by BS 5489-1:2013. Lighting should also be considered to communal parts of the development, such as entrance, hall, corridors and external doors on the ground floor.

Physical Security – I am aware that existing doors and windows will be replaced and that access will be via the existing set of double doors, again, I can find no mention of any access control measures that will be implemented.