

# North Tyneside Council

## Report to Cabinet

### Date: 28 March 2022

#### Title: Land at Newsteads Drive, Monkseaton

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

#### PART 1

##### 1.1 Executive Summary:

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

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

46 representations were made to the Authority in the response to the advertisements and Cabinet is asked to consider the main points of objection, and of support put forward in the representations as summarised in Section 1.5 of the report.

##### 1.2 Recommendation(s):

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

##### 1.3 Forward Plan:

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 25 February 2022.

## 1.4 Council Plan and Policy Framework

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

### A Secure North Tyneside

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

## 1.5 Information:

### 1.5.1 Background

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

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

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

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

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

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

Prior to the closing date, 46 representations were made to the Authority either by letter or email of which 42 were objections to the proposed disposal and 4 were in support of it.

These are categorised below as follows: -

- Representations objecting to the proposed disposal of the Land.
- Representations in support of the proposed disposal of the Land. This includes details of a representation received from the North Tyneside Clinical Commissioning Group, (NTCCG), as the commissioner of NHS services for the local area.

In addition to this, details are also given regarding the outcome of consultation with the Ward Members for Monkseaton North.

### 1.5.2 Representations Objecting to the Proposed Disposal of the Land

The main points of objection are summarised in bold type below together with responses provided by the agent acting on behalf of Beaumont Park Medical Practice and the Authority's officers, where appropriate.

**The land is regularly used by residents for recreational purposes (children playing out, dog walking and fitness groups etc) the loss of this space will negatively affect the community.**

**Loss of green space – negative impact on the visual amenity of the estate and potential biodiversity implications.**

#### **Officer Response**

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

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

#### **Officer Response**

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

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

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

#### **Agent Response**

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

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

### **Officer Response**

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

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

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

### **Agent Response**

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

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

### **Already another medical centre nearby**

#### **Agent Response**

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

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

#### **Officer Response**

An initial check of the Authority's title to the Land has not revealed any onerous restrictive covenant. However, as a large part of the area of public open space at Newsteads Drive falls outside of the Authority's ownership there may be restrictive covenants relating to this land.

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

#### **Agent Response**

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

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

### **Agent Response**

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

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

### **Agent Response**

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

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

### **Officer Response**

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

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

### **Agent Response**

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

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

**Concerns on biodiversity issues on the subject site.**

### **Officer Response**

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

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

### **Agent Response**

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

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

## Concern that the area was previously Open Cast Mining

### Agent Response

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

### 1.5.3 Representations in Support of the Proposed Disposal of the Land

One of the representations in support of the proposed disposal of the Land was from the NTCCG and which included the following supporting statement: -

*“The Beaumont Park Medical Practice has comparatively the smallest floor area per patient on the NTCCG’s registered list of any practice in North Tyneside and is massively undersized compared to guidance for the recommended space for a practice of its size.*

*The Practice is at the limit of any viable alterations that it can make to the premises. This coupled with the increasing population of the area with housing developments both underway and planned poses a real risk of the future ability of the Practice to support the local community.*

*Put bluntly, the Practice will only be safely able to look after a certain amount of patients in their existing premises and will therefore need to close their list to new registrations once that happens. The Practice are close to that point and have made requests to close their list on safety grounds before.*

*There is a clear strategic need for the practice to relocate”*

Other points of support from the representations are summarised below: -

**The current local practice building in the area is too small to accommodate the amount of patients.**

**There have been two occasions in the last 5 years when Beaumont Park Medical Practice has had to apply to NHS England for a temporary closure of their patient list due to the lack of space and facilities to accommodate the increasing number of residents registering with the Practice**

**No designated parking at existing local practice.**

**The proposed new Practice building will be in close proximity to current local practice and so will not cause inconvenience for patients to travel to.**

### 1.5.4 Ward Member Consultation

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

The Ward Members subsequently confirmed that they were not in support of the proposed disposal and the following comments were provided by Councillor Joe Kirwin on behalf of all of the Ward Members: -

**The ward has very little green space.**

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

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

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

### **Agent Response**

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

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

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

### **Officer Response**

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

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

#### **1.5.5 Conclusion**

Cabinet is asked to consider all of the representations given in Sections 1.5.2 to 1.5.4 in respect of the proposed disposal of the Land at Newsteads Drive.

#### **1.6 Decision options:**

Following consideration of the representations Cabinet may decide:

- i) to set aside the objections received in relation to the proposed disposal of the Land at Newsteads Drive and allow the disposal of the Land to proceed; or
- ii) to uphold the objections received in relation to the proposed disposal of the Land at Newsteads Drive in which case the disposal cannot proceed.

## **1.7 Reasons for recommended option:**

There is no recommended option.

## **1.8 Appendices:**

Appendix 1: Land at Newsteads Drive, Monkseaton Site Plan

## **1.9 Contact officers:**

Niall Cathie - Strategic Property Manager – Tel. 0191 643 6517  
Cathy Davison – Principal Accountant – Tel. 0191 643 5727

## **1.10 Background information:**

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

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

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

In the event that the disposal of the Land does not proceed then any potential General Fund capital receipt from that disposal would be lost.

### **2.2 Legal**

Under section 123 of the Local Government Act 1972, there is a legal requirement for the Authority to advertise its intentions to dispose of public open space within its boundaries for two consecutive weeks in a local newspaper circulating within the area, and to consider any objections or representations made. This advertising requirement is the means by which local public opinion regarding such proposals can be obtained. Cabinet is required to consider the representations made and to decide whether or not to proceed with the disposal of the land.

### **2.3 Consultation/community engagement**

#### **2.3.1 Internal Consultation**

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

#### **2.3.2 External Consultation/Engagement**

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

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

## 2.4 Human rights

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

## 2.5 Equalities and diversity

Parking at the current medical centre is a shared public space with no dedicated accessible spaces. This is an equality issue that will be resolved if the medical centre can relocate to the site at Newsteads Drive.

## 2.6 Risk management

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

## 2.7 Crime and disorder

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

## 2.8 Environment and sustainability

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

## PART 3 - SIGN OFF

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