

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

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 12 no. residential apartments with associated parking, landscaping and other associated infrastructure (Amended description and amended plans received 09.12.2021)

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:

The Committee is recommended to:

- a) indicate that it is minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and the addition, omission or amendment of any other conditions considered necessary; and**
- b) authorise the Director of Regeneration and Economic Development to determine the application following the completion of the Section 106 Legal Agreement to secure a financial contribution of £1,812.00 towards coastal mitigation.**

INFORMATION

1.0 Summary Of Key Issues & Conclusions

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 Springfield House, formerly occupied as a 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 Background information

3.2 This planning application originally sought consent for a change of use to deliver 12 dwellings. This was subsequently reduced to 11 dwellings in the absence of a bat survey for the roof of the building and subject to a resolution to grant planning consent at planning committee in February 2021 subject to completion of the S106 Agreement. As the S106 has yet to be signed to enable the issuing of decision notice for the 11 dwelling consent and as bat surveys are now completed, the application has been revised to re-introduce and justify the 12th dwelling.

3.3 Planning permission is sought for a change of use of from a former care home (Use Class C2) to provide 12 no. residential apartments (Use Class C3) with associated parking, landscaping and other associated infrastructure.

3.4 The proposed change of use will not increase the floor space or massing of the building. It seeks only to make the internal adjustments necessary to facilitate the residential use and some minor external alterations.

3.5 The proposed residential apartments will comprise the following:

- 7 no. 2 bedroom
- 3 no. 1 bedroom
- 2 no. 1 bedroom studio

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) (July 2021)

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 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

8.2 Paragraph 8 of NPPF states that a social objective is one of the three overarching objectives of the planning system and that amongst other matters it should seek to support a sufficient number and range of homes to meet present and future needs which support communities' health, social and cultural well-being.

8.3 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should approve development proposals that accord with an up-to-date development 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. This is known as the ‘titled balance.’

8.4 Paragraph 60 of NPPF supports the Government’s objective to significantly boost 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 and that land with permission is developed without unnecessary delay.

8.5 Paragraph 74 of the NPPF requires Local Planning Authorities to identify and update 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 needs 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%.

8.6 The purpose of the planning system is to contribute to the achievement of sustainable development. This purpose is key to the role of the planning system in the development process. The aims of how the Local Plan (LP) 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.

8.7 LP Strategic Policy S1.4 ‘General Development Principles’ states “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.

8.8 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.

8.9 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.

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

8.11 LP Policy DM4.5 'Spatial Strategy for Sustainable Growth' sets out policy requirements for residential development on sites not identified on the Policies Map. Amongst other matters this includes making a positive contribution towards identified housing need, being accessible to a range of sustainable transport modes, make the best and most efficient use of available land, making a contribution towards creating healthy, safe, attractive and diverse communities and demonstrating accordance with the LP.

8.12 The application site, brownfield land, is not allocated for any specific use in the Local Plan (LP). It is located close 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 this building back into a more sustainable 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 this building back into a residential use would accord with the advice set out in the NPPF and policies S4.1, DM1.3 and DM4.5 of the LP.

9.0 North Tyneside Council Housing Land Supply

9.1 Paragraph 74 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%, 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 five-year housing land summary included within the Housing Land Availability Assessment, September 2021. It identifies the total potential 5-year housing land supply in the borough at 4,012 additional dwellings, a total which includes delivery from sites yet to gain planning permission. This represents a shortfall against the Local Plan requirement or approximately a 4-year supply of housing land. It is important to note that this assessment of five-year land supply includes 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 126 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 Further advice on achieving well-designed plans is set out in paragraph 130 of the NPPF.

10.3 Paragraph 91 of the NPPF, amongst other matters, seeks to promote healthy and safe communities.

10.4 Paragraph 131 of the NPPF states “Trees make an important contribution to the character and quality of urban environments and can also help to mitigate climate change.” Opportunities should be taken to incorporate trees elsewhere into developments, secure measures to ensure the long-term maintenance of newly planted trees and that existing trees are retained wherever possible.

10.5 Paragraph 134 of the NPPF makes it clear that development that is not well-designed, especially where it fails to reflect local design policies and government guidance on design should be refused. Significant weight should be given to development which reflects local design policies etc. and development which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of the surroundings.

10.6 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.”

10.7 LP Policy DM4.6 ‘Range of Housing Types and Sizes’ seeks to ensure that new residential development provides a mix of homes to meet current and future demand, and to create sustainable communities.

10.8 Members are advised that the LP Policy DM4.9 ‘Housing Standards’ 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 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 all new buildings should be proportioned to have a well-balanced and attractive external appearance.

10.10 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."

10.11 This application seeks to convert a former residential care home into 12no. residential apartments/studios. The existing layout of this two-storey building is largely the same on both ground and first floor, with a central corridor providing access to the separate rooms. Access to the first floor will be provided by a new staircase at the main entrance.

10.12 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 main bedrooms and living spaces have openable windows. Some existing external doors will be replaced with windows.

10.13 The objections received from No. 1 Eastern Villas, located to the north of the site, are noted. Members are advised that the applicant has re-introduced Unit 12 which is site on the first floor (north east corner). The windows serving bedroom 1 and the kitchen living area utilise the existing window openings to the east and south. Four roof lights are proposed. It is not considered that the siting of these rooflights will significantly affect the privacy of No. 1 Eastern Villas. The 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 relate 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.

10.14 The design comments make specific reference to the layout of Unit 12. The applicant has addressed these comments by amending the layout of Unit 12 so that the open plan living area and bedroom 1 are served by windows. The open plan living area will also be served by roof lights. It is noted that bedroom 2 will only be served by roof lights. Members will need to balance one bedroom out of the 12 apartments being served by roof lights only against bringing this building back into a residential use. The revisions to the layout of Unit 12 required Unit 10 to be reduced from two bedroom to one bedroom.

10.15 The design comments also make specific reference to concerns regarding the size of the units 3 and 9 (1 bed studio apartments). The comments also make specific reference to the fact that these units are single aspect. Members are advised that paragraph 7.112 of the explanatory text in the Local Plan states that

the application of NDSS does not apply to an extension or material change of use. 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. Except for bedroom 2 in Unit 12, windows will serve the habitable rooms of each apartment. 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 this building back into a residential use.

10.16 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 grass crete will assist in reducing the visual impact of the additional parking.

10.17 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 to such an extent that will sustain a recommendation of refusal. It is considered that a condition can be imposed to secure the final details of the cycle shelter, including its height and storage capacity, and a condition can be imposed to secure the details of any new boundary treatments or alterations to the existing boundary treatments.

10.18 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.

10.19 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.

10.20 LP 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.

10.21 The Council's Landscape Architect has been consulted. She has provided a summary of the works proposed in her comments as set out in the Appendix to this report. She had advised that the detailed comments previously provided for the 11 apartments still stand including the previously suggested conditions.

10.22 The submitted Arboricultural Impact Assessment (AIA) and supporting information advises that the existing access 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). The Landscape Architect considers the removal of this group of trees to be acceptable.

10.23 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. The proposed cycle store will be located to the east of the site and within the RPA of T7.

10.24 The supporting information advises that the hardstanding for the proposed bin store, cycle store and additional parking bays will be constructed using grass crete. There are benefits to using grass crete but in order to fully function it requires excavation into existing grassed areas for the underlying layers, compaction of the subbase, 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 grass crete 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. An existing gated access is to be retained to the southern boundary which could potentially be used to access the area near T7.

10.25 The Landscape Architect previously 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. 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.

10.26 It is clear from the Landscape Architect's 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.

10.27 LP Policy DM5.19 'Pollution' states that 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. Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

10.28 The Manager for Environmental Health (Pollution) has 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 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 this building back into a residential 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 The NPPF paragraph 111 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11.12 The NPPF paragraph 112 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

11.13 LP 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.

11.14 LP Policy DM7.4 'New Development and Transport' makes it clear that the Council 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.

11.15 The Council's maximum parking standards are set out in the Transport and Highways SPD (LDD12).

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

11.17 The level of parking provision proposed does not comply with the council's maximum parking standards. This application relates to a change of use and when considering the former use of the site, it is officer advice, that 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 storage will be provided.

11.18 The Highways Network Manager has been consulted. 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.

11.19 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 174 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 179 of the NPPF states that when determining planning applications LPAs should aim to protect and enhance biodiversity and geodiversity by following the principles set out in paragraph 180 which includes, amongst other matters, if significant harm cannot be avoided, adequately mitigated, or as a last resort, compensated for the planning permission should be refused.

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

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

12.6 LP Policy DM5.6 'Management of International Sites' states that proposals that are likely to have significant effects on features of internationally designated

sites, either alone 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 LP Policy DM5.7 'Wildlife Corridors' states: "Development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement." This site lies adjacent to a wildlife corridor.

12.8 The Council's Biodiversity Officer has been consulted. She has considered the updated Bat Survey. The report concludes that overall, based on the initial risk assessment, the structure of the building is considered to be of moderate suitability to roosting bats. Activity surveys undertaken in May and June recorded small numbers of pipistrelle bats within the vicinity of the site, however, no roosts were identified. The recommendations set out within Section 6 of the Report should be conditioned as part of the application to ensure any potential impacts are avoided. Subject to imposing the suggested conditions, the impacts on protected species can be appropriately controlled by imposing the suggested conditions.

12.9 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 a 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.

12.10 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 167 of the NPPF states "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...."

13.3 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.

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

13.5 Ground conditions

13.6 Paragraph 183 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.

13.7 Paragraph 184 of the NPPF goes onto 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.

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

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

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 55 of NPPF states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

14.2 Paragraph 57 of NPPF states that planning obligations must only be sought where they meet all of the following tests:

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

14.3 LP Policy S7.1 'General Infrastructure and Funding Statement' states that 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.

14.4 LP Policy DM7.2 'Development Viability' 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.

14.5 LP Policy DM7.5 'Employment and Skills' states that the Council will seek 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.

14.6 LP Policy DM4.7 'Affordable Housing' sets out that to meet the Borough wide housing target, the Council will seek provision of 25% affordable homes on new housing developments.

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 the applicants to identify appropriate solutions where matters of viability arise and require negotiation.

14.8 Paragraph 64 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 S106 contributions have been requested relating to biodiversity, equipped play for parks, primary education and employment and training. The applicant has submitted a viability assessment which has been independently assessed. This assessment has concluded that this development is not viable with the requested S106 contributions.

14.10 The S106 subgroup of the Investment Programme Board (IPB) has considered the S106 contributions being sought, including viability. IPB have accepted the findings of the viability and no S106 contributions, other than securing the coastal mitigation, can be sought.

14.11 This development will be CIL liable.

14.12 Members need to consider whether securing no S106 contributions, other than securing the coastal mitigation payment, is acceptable, and balance this against bringing this building back into a more sustainable use.

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 12 new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. The New Homes Bonus is a government grant for each home built equivalent in value to the average Band D Council Tax charge in England in the preceding year. New Homes Bonus is paid to the Authority each year for new homes completed for a period of four years from the completion of each new home. An additional sum is paid for each empty home brought back in to use and for each affordable home delivered.

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

15.4 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 carefully consider the balance of issues before them and the need to take in account national policy within NPPF and the weight to be accorded to this as well as current local planning policy.

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

16.3 Members need to consider the impacts of the proposed development as set out in paragraph 1.0 of this report.

16.4 This proposal would bring back into use a current brownfield site located in an existing built-up area. The site is close to existing local services (shops, community facilities and public transport).

16.5 The council does not have a 5-year supply of housing. This proposal would contribute towards the requirement for the Council to have a 5-year supply of deliverable housing sites. This is a significant material consideration which weighs in favour of the proposal.

16.6 The design and layout of the proposal, on balance, would not have an adverse impact upon the character and appearance of the site or significantly impact on the residential amenity of immediate neighbouring properties.

16.7 The proposal would provide adequate parking provision and would not have an unacceptable impact on highway safety or result in a residual cumulative impact that would be severe.

16.8 Subject to imposing the suggested conditions, the proposal would not result in a significant impact on protected species or existing landscape features.

16.9 The site is of no archaeological value.

16.10 Issues to do with flooding and contaminated land can be dealt with via conditions.

16.11 The applicant has agreed to provide planning obligations in accordance with what the Council is seeking.

16.12 The Council does not have a 5-year supply of deliverable housing sites. It therefore follows that planning permission should be granted unless the impacts of the development significantly and demonstrably outweigh the benefits. In the opinion of officers, the impacts of the development would not significantly and

demonstrably outweigh the benefits. It is therefore recommended that planning permission should be granted subject to a S106 Legal Agreement and conditions.

RECOMMENDATION:

The Committee is recommended to:

- a) indicate that it is minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and the addition, omission or amendment of any other conditions considered necessary; and**
- b) authorise the Director of Regeneration and Economic Development to determine the application following the completion of the Section 106 Legal Agreement to secure a financial contribution of £1,812.00 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 Dwg No. P-00.01 X

Existing site plan Dwg No. P-10.01 X

Existing elevations Dwg No. P-30.01 X

Existing roof plan Dwg No. P-20.03

Existing first floor plan Dwg No. P-20.02 X

Existing ground floor plan Dwg No. P-20.01 X

Site cross section B-B Dwg No. P-10.05 A

Proposed site plan colour render Dwg No. P-10.03 C

Proposed plans revised option roof plan Dwg No. AP112 P1

Proposed elevations Dwg No. AE210 P2

Proposed plans revised option 2 ground floor Dwg No. AP110 P2

Proposed plans revised option 2 first floor Dwg No. AP111 P4

Proposed site plan Dwg No. P-10.02 F

Proposed Section A-A Dwg No. P-40.01 B

Site cross section A-A Dwg No. P-10.04

First floor demolition plan P-20.08 B

Ground floor demolition plan P-20.07 X

Bat Suvey Report (Dated September 2021) by OS ecology

Aboricultural Method Statement inc. Impact Assessment (Dated November 2020) by Elliot Consultancy Ltd

Aboricultural Impact Assessment (Dated September 2020) by Elliot

Consultancy Ltd

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 DM5.9 DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

5. Notwithstanding the details submitted, the scheme for parking shall be laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.

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

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. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved details of an undercover cycle parking scheme shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before any part of the development is occupied and permanently retained and maintained.

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

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 F. 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 development hereby approved shall be carried out in full accordance with all the recommended measures detailed within Section 6 of the Bat Survey Report (OS Ecology September 2021).

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).

23. 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.

24. Notwithstanding any other details shown on the plans hereby approved, the section of window serving the living accommodation of Units 4 and 10 that is closest to the bedroom window of Units 3 and 9 shall be fixed shut without any opening mechanism and glazed in obscure glass to a Level 3 or above. These section of windows(s) shall thereafter be retained as such.

Reason: In the interests of the amenity of neighbouring properties having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

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

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

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

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.

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

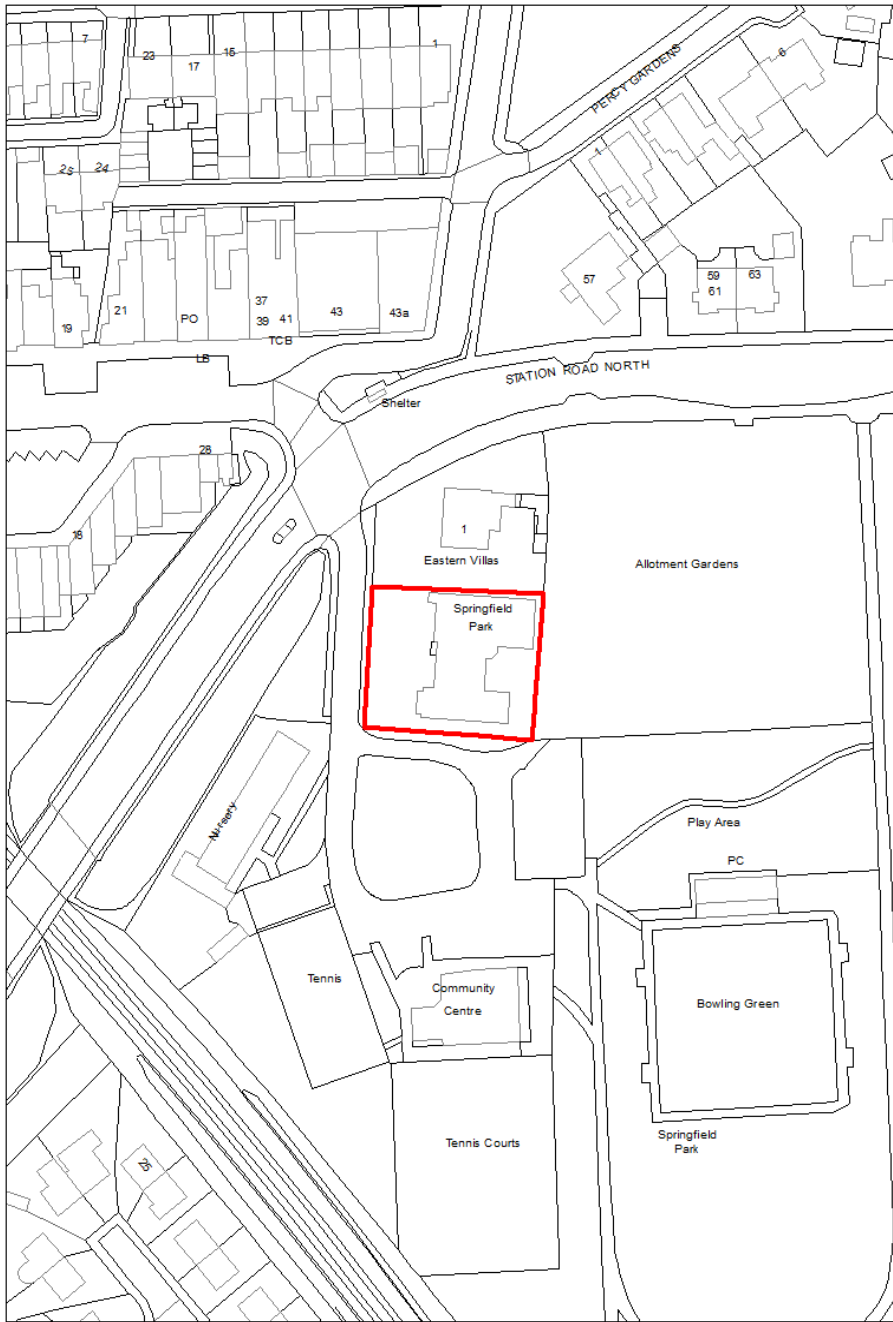
The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience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

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

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

The applicant is advised that requests for Street Naming & Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & scheme been applied for and approved by the Local Highway Authority it will not be officially registered with either the council, Royal Mail, emergency services etc. Contact Streetworks@northtyneside.gov.uk for further information.

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



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 12 no. residential apartments with associated parking, landscaping and other associated infrastructure (Amended description and amended plans received 09.12.2021)

Not to scale

Date: 25.05.2022

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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 former care home to provide 12 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:

Notwithstanding the details submitted, the scheme for parking shall be laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.

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

Notwithstanding the details submitted, the scheme for the provision of and storage of refuse, recycling and garden waste bins shall be laid out in accordance with the approved plans and prior to the occupation of each dwelling. These storage areas shall not be used for any other purpose and retained thereafter.

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

No part of the development shall be occupied until a 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.

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 grass crete 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 grass crete 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 grass crete 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.

1.7 Informatives:

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

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

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

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

The applicant is advised that requests for Street Naming & Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & scheme been applied for and approved by the Local Highway Authority it will not be officially registered with either the council, Royal Mail, emergency services etc. Contact Streetworks@northtyneside.gov.uk for further information.

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

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

1.8 Landscape Architect

1.9 The application is for a change of use of a former care home to provide 12 no. residential apartments with associated parking, landscaping and other associated infrastructure (Amended description and amended plans received 09.12.2021).

1.10 Originally planning consent was sought for the change of use of the care home to deliver 12 dwellings. This was subsequently reduced to 11 dwellings later. However, the application is now revised to re-introduce the 12th dwelling. As such, this application comprises an updated version of the original report which takes into account recent changes in national planning policy. The revised development for 12 dwellings includes 10 parking spaces on the site, the same number proposed on previous submitted plans. However, the proposals would also see the delivery of greater than 2 cycle parking spaces per dwelling, providing a 30 bike storage unit.

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. 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.

1.12 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.

1.13 Detailed comments of the impacts of the 12 unit proposal in relation to the existing trees on the site have been previously provided. Therefore, the same comments and conditions will apply as previous.

1.14 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 F. 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, bike store, 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 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 grass crete 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 grass crete 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 grass crete 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 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, 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.

1.15 Biodiversity Officer

1.16 The above application has been amended to increase the number of residential units from 11 to 12. As a result, the application now includes works to the roof which include 5no. new velux windows to apartment 12. This is confirmed in the D&A Statement which provides details of the roof plan and states:

“The existing roof is to be retained, this will be punctuated on the North side of the roof with 5no. new velux windows to provide natural daylight and ventilation to unit 12”

1.17 An updated Bat Survey has been undertaken by OS Ecology (September 2021) and submitted to support the application. The report concludes that overall, based on the initial risk assessment, the structure of the building is considered to be of moderate suitability to roosting bats. Activity surveys undertaken in May and June recorded small numbers of pipistrelle bats within the vicinity of the site, however, no roosts were identified. The recommendations set out within Section 6 of the Report should be conditioned as part of the application to ensure any potential impacts are avoided.

1.18 The following conditions should be attached to the application:

1.19 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.

The scheme will be undertaken in accordance with all the recommended measures detailed within Section 6 of the Bat Survey Report (OS Ecology September 2021).

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.

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

1.20 Design

1.21 Revised plans have been submitted which do not address previous concerns.

1.22 The quality of accommodation of some units is still a concern. Units 3 and 9 do not comply with space standards and are single aspect. The Design Quality SPD states "*that 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. There will be a presumption that residential units provided should be dual aspect. Any single aspect dwellings provided will require a demonstration that adequate lighting can be achieved.*"

1.23 There is a significant concern about the quality of accommodation in unit 12. The living area and kitchen has no direct outlook as there are only rooflights. There is only one window with an outlook which is in the bedroom. In the living room, kitchen and bathroom there is also a reduction of useable space due to the sloping ceiling.

1.24 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.

1.25 Overall, the quality of accommodation and cycle parking is poorly designed which reflects an unacceptable and over intensification of residential use on the site.

1.26 Officer note: The applicant has submitted an amended layout to address the comments regarding Unit 12.

1.27 Manager of Environmental Health (Pollution)

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

HOU04
SIT03

1.29 Manager for Environmental Health (Contaminated Land)

1.30 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.

1.31 Sustainable Transport

1.34 This application is for a vacant former care home to provide 12 residential apartments with associated parking, landscaping and other associated infrastructure. The site has been established for some time and anticipated travel impacts as a result of this change would not be considered substantial. The proposed number of dwellings does not trigger the need for a Travel Plan in line with LDD12.

1.35 Recommendation – Approval.

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 Road 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 *Comment on re-consultation: I have no comments on the amendments and my previous comments remain valid.*

3.7 *Previous Comments:* 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.

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

3.9 Newcastle International Airport Limited (NIAL)

3.10 *Comment on re-consultation: No further comments to make.*

3.11 *Previous Comments:* No objection.

3.11 Northumbria Police

3.12 *Comment on re-consultation:* No additional comments to make from their original observations dated 3rd August 2021.

3.13 *Previous comments:* I have reviewed the drawings and we have no objection; it is always welcome to see old buildings redeveloped and not left vacant.

3.14 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.