

# North Tyneside Council Report to Cabinet 10 August 2015

## ITEM 6(b)

Objections received in response to a Public Open Space advert for Land at Brookland Terrace, New York and at Zetland Drive, Whitley Bay

Portfolio(s): Housing and Transport  
Finance

Cabinet Member(s): Cllr J Harrison  
Cllr R Glindon

Report from Service Area: Commissioning and Investment

Responsible Officer: Mark Longstaff, Head of Commissioning and Investment (Tel: 643 8089)

Wards affected: Collingwood  
Monkseaton South

## PART 1

### 1.1 Purpose

This report provides Cabinet with information on representations made in relation to a statutory advertisement to dispose of public open space at two sites - at the rear of Brookland Terrace, New York, and at Zetland Drive, Whitley Bay - in order to facilitate the development of affordable housing schemes.

### 1.2 Recommendation

It is recommended that Cabinet consider the representations made and determines whether or not to set aside the objections received in relation to the disposal of public open space at Brookland Terrace, New York, and at Zetland Drive, Whitley Bay and, if appropriate, authorise the disposals of land.

### 1.3 Forward plan

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 7 July 2015.

### 1.4 Council plan and policy framework

The report is relevant to the following priorities set out in the Our North Tyneside Plan 2014 - 2018:

#### **Our Places**

Have more quality affordable homes.

## 1.5 Information

### 1.5.1 Background

The two areas of land shown by dark outline on the plans attached as Appendix 1 and 2 to this report are Authority owned and are currently accessible by members of the public. They are therefore deemed to be areas of public open space.

Planning permission has been submitted for both sites but not yet granted for the development of affordable homes for rent. The proposed scheme at Brookland Terrace comprises 5no. 2 bed houses and 8no. 2 bed flats with associated parking. The Zetland Drive proposed scheme comprises 4no. 2 bed bungalows.

Terms and conditions are therefore currently being provisionally negotiated for their proposed disposal to a Registered Provider.

As both areas of land are considered to be public open space they are subject to the relevant provisions of the Local Government Act 1972. As a result, the Authority must advertise its intention to dispose of the areas of land in accordance with Section 123 of the Act and formally consider any representations made.

This must be done by placing Notices advertising the proposed sales for two consecutive weeks in a local newspaper. The Authority's intentions were advertised in the Journal on 24 June 2015 and 1 July 2015, respectively and in the local weekly News Guardian on 25 June 2015, and 2 July 2015, respectively. The closing date for the receipt of representations was set as 16 July 2015.

Prior to expiry of the closing date, the following representations were made: -

### 1.5.2 Objections relating to Brookland Terrace

Eight representations were received from local residents, the main points of which are summarised below. One of the objections was accompanied by a 150 name petition:-

1. The advert was placed in the News Guardian which doesn't circulate in New York.
2. NTC has a Local plan for protecting our most valued green spaces. The Plan did not identify New York as an area of potential development, and shows the land as green space, not land to be developed.
3. Plans for development at Murton Village and Killingworth Village will protect the identity of those villages, what about protecting New York Village?
4. The plot is too small for the proposed development. The area designated for play is too close to a dangerous roundabout.
5. New York Village is already too over populated.
6. The Village has too much traffic, especially at peak times. Emergency vehicles currently use the village, how would they get through?
7. Drainage on Brookland Terrace cannot cope. They've been needed to be unblocked three times this year and this development will exacerbate that.

8. The residents of Brookland Terrace and Broomlea will lose their privacy in their gardens.
9. The Village does not have enough amenities, poor bus routes, poor access to town centres, restricted parking and school places.
10. Trees will need to be cut down which have been used as a habitat by birds and wildlife.
11. The area was designated as a bio-diversity area a few months ago.
12. The value of the houses overlooking the site will be reduced due to a loss of view.
13. The noise and disturbance will be intolerable.
14. A general objection on the basis of the many species of birds, mammals, insects, invertebrates, dog walkers and the public that currently use the site as part of a wildlife corridor.
15. 27 houses proposed with only 13 parking spaces so where will people park?
16. All wildlife would be killed including a family of foxes.
17. Security to rear of properties on Brookland Terrace would be an issue.
18. The new road would be dangerous if a child were to run into it.
19. Loss of open aspect to neighbourhood and loss of community space.

The following information has been supplied by the proposed developer in relation to these points of objection, taken in the same order:-

1. The advert was also placed in The Journal on 24 June 2015 and 1 July 2015, respectively. The placing of advertisements in the Journal and the News Guardian complies with the guidelines of the relevant legislation.
2. The Council's The Green Space Strategy sets out the vision to provide spaces that are attractive, safe, accessible and well managed. It also states the importance to look at how sites can be enhanced or adapted to improve the overall appearance of the area. The site as existing is a vacant grassed area of land, therefore the proposed development gives an opportunity to enhance the site by creating new street frontage, improve housing in the local area and create attractive planting and features to improve its value. An open space assessment has been submitted as part of the planning application setting out what green/open space remains – and the impact it has on the area.
3. The proposed development is an opportunity to enhance the site through new street frontage, improve housing in the local area and create attractive planting and features to improve its value.
4. The proposed scheme is situated at the western side of the land away from the roundabout.

5. The Pre-Planning application identified that there is a demand for affordable housing in this area of North Tyneside.
6. There is no evidence that there is too much traffic, and Highways officers do not consider that a Travel Assessment is necessary on this site.
7. A drainage assessment has been undertaken and has been submitted with the planning application. NWL have given approval to water discharge from the site into the nearby sewerage system. NWL would not allow a discharge into sewers if the system was at capacity.
8. New dwellings will be built in accordance with planning policy and all dwellings are situated in excess of the minimum overlooking distances. The proposed scheme is in accordance with DCPS 14.
9. The proposed scheme contains 13 new dwellings, and will not place an additional burden upon local services.
10. An Arboricultural Method Statement, Tree Protection Plan and Bat Risk Assessment have been carried out on site and included with the planning application. These set out which trees are to remain/protected and the others that will have to be removed together with all mitigation measures (re-provision etc), and considers the protection of any bats that maybe present.
11. This designation was not a formal designation and has now been removed. A Tree Constraints assessment and bat risk assessment were undertaken. This has been submitted with the planning application and provides all mitigating measures. The main extent of landscaping consists of grass of low quality with dense, mature trees bounding the site to the North. The application proposes planting to enhance biodiversity on site.
12. There is no evidence to confirm that existing homes will depreciate in value as a result of these properties being built.
13. Planning conditions will control working time of the contractors.
14. This has been addressed in the Open Space Assessment, Tree constraints report and bat risk assessment, as required in the pre-app planning advice from the Council. All mitigation measures including the protection of bats has been considered in the design of the scheme.
15. The proposed scheme comprises 13 dwellings with 16 parking spaces.
16. All wildlife is protected under various legislations, and will be given due consideration during construction.
17. The proposed scheme would not have a negative impact of the security of the rear garden of the dwellings on Brookland Terrace. The additional activity from the new dwelling and any street lighting proposed would provide surveillance for the area. The new scheme would have Secure by Design accreditation - which would consider the neighbouring properties. The Northumbrian Police Architectural Liaison Officer provided the following information: "The layouts look good and fit in well with the surrounding area's and the arrangement of the properties gives good surveillance over each other."

18. The proposed new road is a cul-de-sac and Highways officers do not consider that it will present a danger to pedestrians.
19. An open space assessment has been carried out. There are numerous different areas within a 300m radius (5min walk) from the site. Each providing greater public access and of greater community significance. In addition there are areas close to the site of similar or greater quality and significance than the site of this application. Other sites offer a greater community significance, with more natural surveillance. The loss of this existing open space would not create a local deficit in the region. Open space to the East of the development boundary on site will be retained. The landscaping will also be enhanced with bushes and trees being planted.

Two final objections have been received before the end of the objection deadline. Responses to these two points are awaited from the developer, and this information will follow in advance of the meeting. The final two objection points are as follows:

20. Bluebells thrive on the site, but are protected under the 1982 Wildlife & Countryside Act – Schedule 8 – how will these plants be protected?
21. What noise reduction measures will be put in place to protect the existing residences?

### **1.5.3 Objections relating to Zetland Drive**

One representation was received from a neighbouring resident. The main points of the objection can be summarised as follows:

1. The loss of the open aspect
2. The area is peaceful at the moment, which will end if this development goes ahead.

The following information has been supplied by the proposed developer in relation to these points of objection, taken in the same order:-

1. Within North Tyneside Councils Unitary Development Plan (UDP) Proposals Map the site is not identified as Open Space and Recreation and as such Policies R2/1, R2/2, R2/3, R2/6, R3/2 and R4 are not applicable. The Open Space Assessment included within the planning application, highlights the abundance of Designated Open Space in the area, as set out in the UDP, demonstrating how the loss of this site for development would not impact on the surrounding area. The site as existing is a grassed area of land therefore the proposed development gives an opportunity to enhance the site, creating attractive planting and features to improve its value. The design will incorporate landscaping to enhance wildlife and biodiversity, and contribute to the positive appearance of the development and act as a link to the local wildlife corridor.
2. The properties will be managed to the same standards as local authority homes in the area, and tenants will be expected to maintain those standards. During the construction period, the hours of working will be controlled by the planning consent, and the site will be registered for the Considerate Constructors Scheme, whereby the contractor has to abide with a Code of Practice over and above statutory requirements, which takes into account the effect on neighbours, the environment etc.

## **1.6 Decision options**

Following consideration of the objections Cabinet may decide:

- i) To set aside the objections received in relation to the disposal of public open space at Brookland Terrace, New York, and Zetland Drive, Whitley Bay and allow the disposals to proceed; or
- ii) To set aside the objections received in relation to Brookland Terrace, New York and allow that disposal to proceed, but uphold the objection in relation to Zetland Drive, Whitley Bay, in which case this disposal cannot proceed; or
- iii) To set aside the objection received in relation to Zetland Drive, Whitley Bay and allow that disposal to proceed, but uphold the objections in relation to Brookland Terrace, New York, in which case this disposal cannot proceed.
- iv) To uphold the objections received in relation to the disposal of public open space at Brookland Terrace, New York and at Zetland Drive, Whitley Bay in which case these disposals cannot proceed.

## **1.7 Reasons for recommended option**

There is no recommended option.

## **1.8 Appendices**

Appendix 1: Plan showing the land at Brookland Terrace, New York by means of black outline.

Appendix 2: Plan showing the land at Zetland Drive, Whitley Bay by means of black outline.

Appendix 3: Letters of objection from resident(s).

## **1.9 Contact officers**

Roy Marston – Acting Head of North Tyneside Homes – Tel. 0191 6437580

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

Alison Campbell - Senior Business Partner – Tel. 0191 643 7038

Jackie Palmer – Planning Manager – Tel. 0191 643 6336

## **1.10 Background information**

The following background papers and research reports have been used in the compilation of this report and are available for inspection at the offices of the author.

1. Advertisements in News Guardian (25<sup>th</sup> June and 2<sup>nd</sup> July 2015).
2. Advertisements in the Journal (24<sup>th</sup> June and 1<sup>st</sup> July 2015)
3. Letters of objection provided as Appendix 3.
4. Council's land ownership records.

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

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

In the event that the disposal of either piece of land does not proceed then any potential capital receipt from that disposal would be lost.

### **2.2 Legal**

Under section 123 of the Local Government Act 1972, there is a legal requirement for the Authority to advertise its intentions to dispose of public open space within its boundaries for two consecutive weeks in a local newspaper circulating within the area, and to consider any objections or representations made. This advertising requirement is the means by which local public opinion regarding such proposals can be obtained. Cabinet are to consider the objections made and whether to proceed with the disposal of these parcels of land.

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

Ward Members were consulted as part of the process seeking to declare the land surplus to requirements and available for sale.

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

Public consultation will be undertaken as part of the normal planning process in respect of the development proposals for the sites.

### **2.4 Human rights**

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

### **2.5 Equalities and diversity**

There are no equality and diversity implications directly arising from this report.

### **2.6 Risk management**

There are no risk management implications arising from this report.

### **2.7 Crime and disorder**

Crime and disorder issues will be considered as part of the planning process in respect of the proposed development of these sites.

### **2.8 Environment and sustainability**

Environment and sustainability issues will be considered as part of the planning process in respect of the proposed development of these sites.

### **PART 3 - SIGN OFF**

- Deputy Chief Executive
- Head of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Head of Corporate Strategy