

**Item No:** 2  
**Application No:** 16/00159/FUL Author: Andrew Holmes  
Date valid: 4 March 2016 ☎: 0191 643 4822  
Target: 3 June 2016 Ward: St Marys  
decision date:

Application type: full planning application

**Location: Beechwood Residential Home, Front Street, Earsdon, Whitley Bay, Tyne And Wear**

**Proposal: Change of use of existing carehome (27 bed) into 12no flats (total 14 beds) to be used for supportive living for elderly and physically disabled. Replacement of windows to the north elevation with timber windows, and uPVC windows to the east and west elevations. (Amended plans received 22.04.2016)**

Applicant: Dr Derwan, The Haining Melbury Road Jesmond Park East Newcastle Tyne And Wear NE7 7DE

Agent: Mario Minchella LTD, FAO Mr David Boyce 4 Witney Way Hi-tech Village Boldon Business Park Tyne And Wear NE35 9PE

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

The main issues in this case are;

- Whether the principle of change of use is acceptable on this site;
- The impact of the proposal upon the character and appearance of the surrounding area and the conservation area;
- The impact upon neighbours living conditions with particular regard to outlook and privacy; and
- Whether sufficient parking and access would be provided.

#### 1.0 Description of the Site

1.1 The application site relates to the Beechwood Care Home located within the Earsdon Village Conservation Area. The building can be accessed from the north off Front Street, and is a two storey building. There are residential properties adjacent to the site. The site has been operating as a residential care home which closed in 2014.

#### 2.0 Description of the Proposed Development

2.1 This application is for planning permission for the change of use of existing care home (27 bed) into 12no flats (total 14 beds) to be used for supportive living for elderly and physically disabled.

### 3.0 Relevant Planning History

86/00032/FUL - Erection of Rest Home and 1 no. Flat. Application Permitted - 24.04.1986

87/01374/FUL - Change of use of general needs flat to form 3 no. bedrooms to rest home with connecting corridor. Application Permitted - 15.10.1987

87/01375/FUL - Glass house in garden. Application Permitted - 15.10.1987

88/00236/FUL - Erection of greenhouse. Application Permitted - 29.03.1988

89/00504/FUL - Extension to rest home - 7 additional bedrooms. Application Permitted - 06.06.1989

89/01687/FUL - Lounge extension. Application Permitted - 05.12.1989

05/02273/FUL - Change of use and alterations of 2no. dwellings (2 And 3 Bertrams Yard And 19 Front Street) to provide 9no. bed and lounge extension to care home together with new build link block. Demolition of 1no. timber and 1no. brick off-shoots. Refused - 18.10.2005

### 4.0 Development Plan

4.1 North Tyneside Council Unitary Development Plan (adopted March 2002)  
Direction from Secretary of State under Paragraph 1(3) of Schedule 8 to Town and Country Planning and Compulsory Purchase Act 2004 in respect of Policies in the North Tyneside UDP (August 2007)

### 5.0 Government Policy

5.1 National Planning Policy Framework (March 2012)

5.2 National Planning Practice Guidance (As Amended)

5.3 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 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**

### 6.0 Main Issues

6.1 The main issues in this case are;

- Whether the principle of development is acceptable;
- The impact of the proposal upon the character and appearance of the surrounding area and the conservation area;
- The impact upon neighbours living conditions with particular regard to outlook and privacy; and
- Whether sufficient parking and access would be provided
- Other issues

6.2 Consultation responses and representations received as a result of the publicity given to this application are set out in the appendix to this report.

### 7.0 Principle of development

7.1 The National Planning Policy Framework (NPPF) states that a presumption in favour of sustainable development is at the heart of the Framework is, and this

should be seen as a golden thread running through both plan-making and decision taking. For decision making this means where the development plan is absent, silent or relevant policies are out of date, granting permission for development 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, or specific policies indicate that development should be restricted.

7.2 NPPF confirms that local authorities should attach significant weight to the benefits of economic and housing growth to enable the delivery of sustainable developments.

7.3 In relation to housing, NPPF states that the Government's key housing objective is to increase significantly the delivery of new homes.

7.4 NPPF goes on to say that the local planning authorities should plan for a mix of housing based on current and future demographic trends. NPPF requires Councils to set a Borough wide target for affordable housing being sought over the plan period. The definitions of affordable housing are set out in NPPF.

7.5 The development plan is out of date. The North Tyneside Unitary Development Plan was adopted in March 2002, over 14 years ago. The plan period ran until 2006 and we are now significantly (10 years) beyond this. Following the advice in paragraph 14 of NPPF it states that where the development is out of date, the presumption is that planning permission should be granted, unless any adverse effects of doing so would significantly and demonstrably outweigh, when assessed against policies in the NPPF taken as a whole or specific in the Framework indicate that development should be restricted.

7.6 Policy H5 of the UDP states that housing development on sites not identified for this purpose in the UDP (March 2002) will only be approved where the site is on previously developed land, acceptable in terms of its impact on the site (including local amenity, environment and adjoining land uses) and can be accommodated within the existing infrastructure necessary to facilitate the proposal.

7.7 Policy H7 states that housing provision to meet the requirements of people with special needs, including disabled people, will be sought through new build, conversions and changes of use where a need has been identified and where the site is suitable in terms of its location and its proximity to local amenities including public transport, shops and community facilities.

7.8 Members must determine whether or not the principle of supported living accommodation is acceptable at this site, and whether the small contribution towards the five year housing land supply outweighs any harm arising from the development.

7.9 This proposal for new housing accords with the Government's objectives, as set out in the NPPF, and should be considered on the basis of the presumption in favour of sustainable development. The site has been operating as a residential

care home which supported 27 bedrooms. The use of the site as a care home ceased in 2014, and the use would be bringing the currently vacant premises into use. The proposal is to change the use of the building to be used as 12no supported living apartments. 10no of the flats would be single bedroom and 2no flats would be 2 bedroom. The site is in a suitable location, and close to local amenities. Taking the current use of the site into account, it is considered that the principle of supported living accommodation from the site can be supported.

#### 8.0 North Tyneside 5-Year Housing Land Supply

8.1 Paragraph 47 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling 5-year supply of deliverable housing land. This must include an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

8.2 Through the North Tyneside Local Plan Pre-Submission Draft 2015, the Council has outlined a preferred level of future housing growth to 2032 based on the latest evidence of need. Reflecting this position, and after incorporating a 5% buffer, there is a minimum requirement for 6,109 new homes between 2015/16 and 2019/20.

8.3 The October 2015 Strategic Housing Land Availability Assessment (SHLAA) identifies the total potential 5-year housing land supply in the borough at 4,150 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a shortfall of 1,929 homes against the Local Plan requirement (or a 3.40 year supply of housing land).

8.4 Paragraph 49 of the NPPF sets out that relevant development plan policies for the supply of housing will not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. Therefore, North Tyneside Council remains dependent upon approval of further planning permissions to achieve, and subsequently maintain, its housing supply.

8.5 This proposal would make a valuable contribution towards the Council's ability to achieve a deliverable 5-year housing land supply, a situation which provides significant weight in favour of the proposal.

#### 9.0 Character and appearance

9.1 Paragraph 56 of NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people.

9.2 UDP Policy H11 states that in determining applications for residential development, the local planning authority will require that any proposals take into account amongst other matters the quality of its layout and design, scale, density, massing, construction, landscaping and materials.

9.3 The Council has produced an SPD on design quality. It states that the Council will encourage innovation in design and layout provided that there the existing quality and character of the immediate and wider environment are respected and enhances and local distinctiveness in generated.

9.4 E16/2 'Conservation Areas' states that development which would not preserve or enhance the, character appearance or setting of the conservation area will not be permitted. In assessing a development, particular consideration will be given to: (i) its design, scale, layout and materials, (ii) the impact on trees, (iii) the treatment of surrounding spaces and (iv) its, relationship to surrounding development.

9.5 DCPS No. 8 'Development Within Conservation Areas' sets out the material planning criteria that need to be taken into account when considering individual proposals.

9.6 The Earsdon Village Character Appraisal (May 2011) is also a material planning consideration.

9.7 Policy H11 Design Standards and Development Control Policy Statement No.14 'New Housing Estates - Design and Layout' of the North Tyneside UDP refer to design and layout standards for new residential development including, scale, density, massing, construction, landscaping and materials, provision for parking, access, pedestrian and vehicle circulation and the impact of the proposal on its site, local amenity, the environment and adjoining land uses.

9.8 The application is for the change of use of the building, and there is no extension work proposed to the property to support the new use. The main change to the external appearance of the property which is set out in this application is amendments to the windows of the building at the elevation which faces onto Front Street, the inner courtyard and both of the side elevations of the property. A number of the units at the building had previously been replaced with uPVC and a uPVC conservatory has been built on the eastern elevation of the building. At the Front elevation, amendments have been made to the plans to show the replacements of the 3 no window, two of which are uPVC currently, with timber units. This amendment is welcomed and is in line with the aims of preserving the character and appearance of the conservation area. It is considered that the windows and doors within the courtyard and at the side elevation of the site are not widely visible from public areas within the conservation area. The Conservation Officer has been consulted and has outlined that he does not support the use of uPVC within the conservation area. On balance it is considered that due to the windows not appearing prominent on the side elevations, that the proposed windows would be acceptable.

9.9 Timber windows have been replaced at the south facing elevation of the building which faces onto Woodland Close. The principle of the replacement of these windows will be considered under a separate planning application, as these are visible from public areas within the conservation area. Consideration of these windows do not form part of this application.

9.10 Members need to consider whether the proposed amendments to the external appearance of the building are acceptable, and whether it would accord with policy H11 and weight this in their decision.

#### 10.0 Impact upon residential amenity.

10.1 Paragraph 123 of NPP states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

10.2 UDP Policy H11 states that in determining applications for residential development, the local planning authority will take into account the impact of the proposal on its site, local amenity, the environment and adjoining land uses.

10.3 No extensions are proposed to the exterior of the building. Taking this into account, the proposed change of use of the site would not have a severe impact on the residential amenity of surrounding residents.

10.4 The building was formerly used as a 27 bedroom care home facility. The change of use of the site would lead to the creation of 12no supported living flats, which would provide care for elderly and physically disabled people. 5no flats would be located at the ground floor of the building, as well as 2no communal areas and a communal kitchen. It is officer view that the proposed shared amenity space would be sufficient for the intended use of the building. At the first floor of the building 7no flats are proposed. All of the proposed flats would have their own lounge and kitchen area, with toilet and shower facilities. At the first floor of the building a spare bedroom is outlined for the use of guests.

10.5 Members need to consider whether the impact on the residential amenity of existing and future residents is acceptable. It is officer advice the amenity provided for future residents would be acceptable.

#### 11.0 Car Parking and Access

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

11.2 All developments that generate significant amount of movements should be supported by a Transport Statement or Transport Assessment. Planning decisions should take into account amongst other matters that safe and suitable access to the site can be achieved for all people.

11.3 Paragraph 32 of NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

11.4 Policy T6 states that the highway network will be improved in accordance with the Council's general objective of amongst other matters improving the safety and convenience of the public highway.

11.5 Policy T8 seeks to encourage cycling by amongst other matters ensuring cyclist's needs are considered as part of new development

11.6 Policy T9 states that the needs of pedestrians, including people with disabilities and special needs will be given a high priority when considering transport and development issues.

11.7 Policy T11 states that parking requirements will in general be kept to the operational maximum and should include adequate provision for people with disabilities and special needs.

11.8 LDD 12 Transport and Highways SPD sets out the Council's adopted parking standards.

11.9 Concerns have been raised about the reduction in the amount of parking from the site as a result of the change of use. 6no car parking spaces would be provided, with one of those spaces being available for disable parking or an ambulance. No changes to the existing access are proposed as part of this application. The New Development Manager has been consulted as part of the proposal, and they have outlined that the proposed use would require less parking than the existing care home use when the parking standards set out in LDD12 are applied. Taking this into account, it is considered that the parking provided for the development would be acceptable.

11.10 Concerns have been raised highway safety and vehicles reversing onto the highway at Front Street. Taking into account the reduction in the intensity of the use and the access at the site remaining unchanged, it is considered that the proposal would not have a significant impact on highway safety.

11.11 Members need to consider whether the proposal would accord with the advice in NPPF and policies T6, T8, T9, T11 and LDD12 and weight this in their decision.

## 12.0 Other Issues

12.1 The Landscape Architect has been consulted as there are trees within the application site which are protected by tree preservation order. No external works are proposed as part of this application, and taking this into account it is considered that the proposed development would not have a significant impact on trees. It is also considered that there is sufficient space within the site to ensure that building material do not effect the health of surrounding trees.

12.2 Concerns have been raised by neighbours with regards to the levels of care which were provided from the use of the building as a care home, and the level of care provided by the proposed used. Whilst this is acknowledged, concerns with safeguarding would not be material planning considerations.

12.3 Northumbrian Water Ltd and the Coal Authority have been consulted and have outlined that they have no comments to make in relation to the application.

## 13.0 S106 Contributions

13.1 Policy DC4 of the UDP identifies the need for developers to enter into a planning obligation or to make a financial contribution where necessary to facilitate the impact of new development on infrastructure or other essential elements including, amongst other things, access roads, open space, community facilities and affordable housing. Any contribution must fairly and reasonably be related to the scale of the proposed development, as well as being reasonable in all other respects. Supplementary Planning Document LDD8 Planning Obligations (2009) sets out more detail.

13.2 The proposed use of the building is less intensive than the existing / former use. In addition the use is providing for a specific housing need. Therefore it is not considered reasonable or necessary to request any S106 contributions

#### 14.0 Conclusion

14.1 The site has previously been used as a care home. The principle of the change of use of the building to provide supported living accommodation would comply NPPF and UDP policies.

14.2 The Council does not have a 5 year supply of deliverable housing land. Policies for the supply of housing are out of date. This carries substantial weight.

14.3 The proposal would not have an adverse impact upon neighbours.

14.4 Highway and traffic impacts would be acceptable and not severe.

14.5 The starting point for Members is that planning permission should be granted, unless the adverse impacts of granting permission significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in NPPF as a whole.

14.6 The benefits of providing much needed housing are significant. There are no adverse impacts which are significant and subject to conditions, it is recommended that planning permission should be granted.

**RECOMMENDATION:      Application Permitted**

#### **Conditions/Reasons**

- |    |   |       |      |
|----|---|-------|------|
| 1. | In accordance with approved plans   | MAN01 | *    |
| 2. | Standard Time Limit 3 Years FUL   | MAN02 | *    |
| 3. | Veh Parking Garaging before Occ   | PAR04 | *H11 |
| 4. | Refuse Storage Detail Provide Before Occ  | REF01 | *H13 |
| 5. | This permission gives planning permission for 12 supported living apartments. The residential accommodation shall only be used for the purpose of the provision of 12 flats for occupiers requiring supported living accommodation, and for no other purpose including any other purpose falling within Class C3 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (As amended or revoked). |       |      |

Reason: In the interests of protecting highway safety and local amenities as



there is insufficient space within the curtilage of the property to provide an appropriate level of parking provision for any intensified residential use, having regard to Policy T11 and LDD12 Transport and Highways SPD.

6. No development shall take place until design and joinery details of the replacement timber windows at the northern elevation have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To enable the Local Planning Authority to retain control over the design of the replacement doors and windows; to secure a satisfactory standard of development and in the interests of preserving and enhancing the character and appearance of Earsdon Village Conservation Area having regard to policy E16/2 and DCPS no. 8; of the North Tyneside Unitary Development Plan 2002.

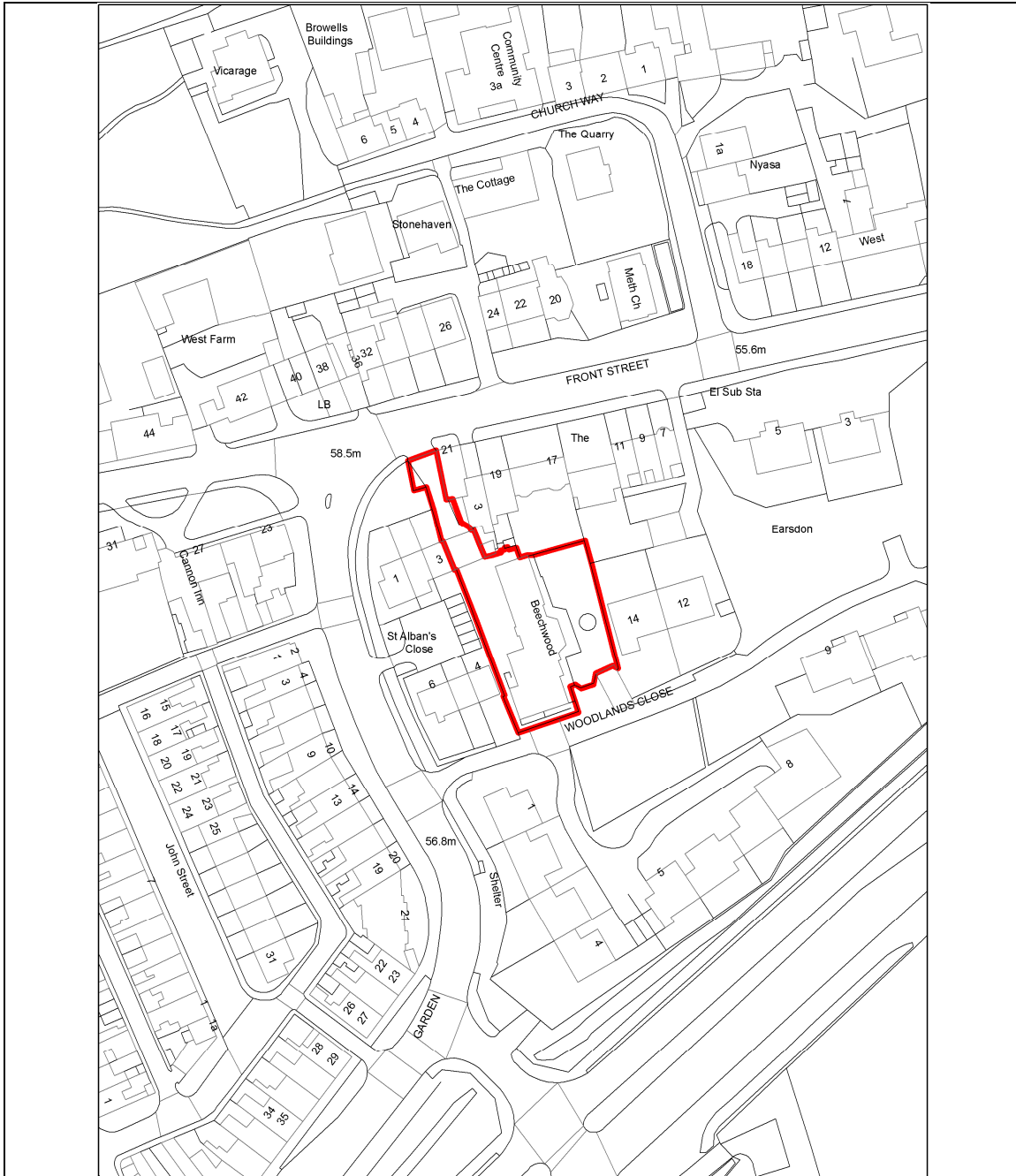
7. Restrict Hours No Construction Sun BH HOU04 \*

**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 Paragraphs 186-187 of the National Planning Policy Framework.

**Informatives**

No Doors Gates to Project Over Highways (I10)  
Do Not Obstruct Highway Build Materials (I13)  
Street Naming and numbering (I45)  
Highway Inspection before dvlpt (I46)  
Coal Mining Standing Advice (FUL,OUT) (I44)



**Application reference: 16/00159/FUL**

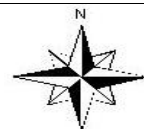
**Location: Beechwood Residential Home, Front Street, Earsdon Bay**

**Proposal: Change of use of existing carehome (27 bed) into 12no flats (total 14 beds) to be used for supportive living for elderly and physically disabled. Replacement of windows to the north elevation with timber windows, and uPVC windows to the east and west elevations. (Amended plans received 22.04.2016)**

Not to scale

Date: 02.06.2016

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**Appendix 1 – 16/00159/FUL  
Item 2**

**Consultations/representations**

1.0 Internal Consultees

1.1 Conservation Officer

The Beechwood Residential Home is in the Earsdon Conservation Area. On the basis there will be only marginal change to the external appearance the character or appearance of the conservation area I can support the proposal. However, the design and access statement refers in general to the introduction of new materials. This could have a profound impact and we need to understand what is proposed at this stage. It appears the timber windows would be replaced with upvc. I cannot support such a change.

1.2 Highways Network Manager

This application is for a change of use of existing care home (27 beds) into 12 flats (total 14 beds) to be used for supportive living for elderly and physically disabled. The site is located in Earsdon village and access arrangements remain unchanged. The parking layout will be altered slightly with an increase in disabled provision but no parking is lost as a result of the development and cycle parking is added. Furthermore, the proposed use requires less parking than the existing use when the parking standards set out in LDD12 are applied. For these reasons and on balance, conditional approval is recommended.

Recommendation - Conditional Approval

Conditions:

PAR04 - Veh: Parking, Garaging before Occ  
REF01 - Refuse Storage: Detail, Provide Before Occ

Informatives

I10 - No Doors/Gates to Project over Highways  
I13 - Don't obstruct Highway, Build Materials  
I45 - Street Naming & Numbering  
I46 - Highway Inspection before dvlpt

Dave McCall  
Ext. 6107

1.3 Environmental Health Officer (Contaminated Land)

No Objection

1.4 Landscape Architect

There appears to be no significant change and/or adding of further detail to the previous plans submitted and commented on at that time (Landscape Comments, dated 15<sup>th</sup> April 2016). If this is not the case I take it that the external landscape

INIT

areas, including TPO trees, will not be affected by the works in any way, including the storage of materials and/or plant.

## 2.0 Representations

2.1 8no objections and 1no representation have been received from 9 contributors. There are summarised as follows:

- Highway concerns
- Concerns with highway as a result of the reduction in parking
- Car parking issues
- Concern with the reasons for the closure of the care home and potential safeguarding of future residents
- Work has already began in the conversion
- uPVC windows installed, contrary to the conservation area policy
- Concerns with the parking outlined at 2&3 Bertrams Yard
- Concerns with the signs erected at the site
- Loss of a 27no bedroom facility for elderly care
- Loss of the employment of the staff employed by the home
- Concern with regards to whether or not there would be a warden at the site 24/7

## 3.0 External Consultees

### 3.1 Tyne and Wear Archaeology Officer

The site lies within Earsdon medieval village.

However because the scheme does not involve new build, buried archaeological remains are not a threat.

### 3.2 The Coal Authority

The application site does fall within the defined Development High Risk Area; however, the planning application is either for **an application type or the nature of development which is listed as exempt** from the requirement (under Section 3.3 of the Coal Authority's *Guidance for Local Planning Authorities*, version 3, 2014).

Accordingly, there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted as part of this planning application.

The Coal Authority records indicate that the application site is likely to have been subject to past coal mining activities, which would include historic unrecorded workings at shallow depth.

### The Coal Authority Recommendation to the LPA

In the interests of public safety therefore the following wording must be included as an Informative Note within the Decision Notice:

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity.

These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

### 3.3 Northumbria Water

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.

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

### 3.4 Care Quality Commission

I write to inform you that the Commission cannot comment on individual planning applications. This is a matter for local consideration and any regulatory implications will need to be considered by the proposed provider, with the aid of guidance provided on our website.