

## ADDENDUM

### Item No: 1

<b>Application No:</b>	<b>17/01689/FUL</b>	<b>Author</b>	Rebecca Andison
<b>Date valid:</b>	4 December 2017	<b>☎:</b>	0191 643 6321
<b>Target decision date:</b>	5 March 2018	<b>Ward:</b>	Preston

Application type: full planning application

**Location: Preston Towers Preston Road North Shields Tyne And Wear NE29 9JU**

**Proposal: Change of Use of Existing Preston Towers, from Nursing Home (Class C2) to 4no houses (Class C3) and 6no apartments (Class C3). Development of 4no new detached houses (Class C3). Construction of new access from unadopted road to the south of the site (REVISED SITE PLAN, AIA, REPLACEMENT PLANTING SCHEME, HIGHWAYS STATEMENT, FLOOR PLANS AND ELEVATIONS)**

Applicant: Moorland Holdings Ltd, Mr David Ratliff C/o Maurice Searle 15 Lansbury Court Newcastle Upon Tyne NE12 8RN

Agent: MS Town Planning Consultancy Services, Mr Maurice Searle 15 Lansbury Court Newcastle Upon Tyne NE12 8RN

**RECOMMENDATION:** Application Refused

#### 1.0 Consultee comments

##### 1.1 Natural England

1.2 No objection – subject to appropriate mitigation being secured.

1.3 We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Northumbria Coast Special Protection Area and Ramsar Site
- damage or destroy the interest features for which Northumberland Shore Site of Special Scientific Interest (SSSI) has been notified

1.4 In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- an appropriate contribution to a strategic management scheme for the designated sites

1.5 We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

1.6 This development falls within the 'zone of influence' for the Northumberland Shore Site of Special Scientific Interest (SSSI).

1.7 Subject to appropriate mitigation being secured in line with a Coastal Mitigation Service, Natural England is satisfied there will be no damage or disturbance to the interest features of this site.

1.8 This development falls within the 'zone of influence' for the Northumbria Coast Special Protection Area (SPA). Since this application will result in a net increase in residential accommodation, impacts to the SPA and Ramsar site may result from increased recreational disturbance.

1.9 Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the SPA.

1.10 However, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017. This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

1.11 Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

1.12 Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

## 2.0 Affordable Housing

2.1 The sum of £49,239.75 has been offered for off-site affordable provision. This is understood to be equal to the 30% reduction in the price of an affordable property (one of the apartments) if offered at a discounted price or to a registered provider.

2.2 Policy DM4.7 of the North Tyneside Local Plan requires a commuted sum to be broadly equivalent to the amount which would be viable if the provision was made on site. This is taken to include both the loss in value at point of sale but also the cost of having provided the unit (in this case the conversion cost). The sum offered does not reflect this position.

2.3 Policy DM4.7 also states that where a commuted sum is proposed it must be demonstrated that all options for securing on-site provision of affordable housing have been explored and exhausted. It is officer opinion that the information submitted by the applicant fails to demonstrate that on-site provision cannot be achieved.

2.4 An additional refusal reason is therefore recommended:

The applicant has failed to demonstrate that the development is not viable with the provision of affordable housing in accordance with the requirements of Policy DM4.7 of the North Tyneside Local Plan, the Planning Obligations Supplementary Planning Document, LDD8, and NPPF.

