

Developing a new Nunthorpe Community Facility - Appendix 1a Option Appraisal

Assessment Criteria	Description	NMPFA	LA to Medical Centre
Title Report - Ownership, Permission and Covenant	A title report is a document that outlines the legal status of a property and related information on its ownership. It is specifically designed to disclose a property's most important information including any vesting interests in the property, encroachments, easements, permissions and covenants. It is a written report provided by the Council's solicitor based upon investigations of the title of the property and a review of any searches carried with the purpose being to identify any issues that may hinder the proposed development.	Part of the Property is currently unregistered, it is therefore not possible to ascertain, from the records that HM Land Registry hold, who currently owns that part of the Property. A charitable trust is a type of unincorporated charity, it is not a legal entity in its own right and has no separate legal personality. As such, property cannot be held in the name of the charitable trust itself. Within the conveyance dated 17th February 1965, William Kirtland Hinton and Charles William Pearey were appointed as the initial trustees of the land which is the subject of the conveyance. However, it is stated within the conveyance that the trustees were to apply to the Charity Commission for the land to be vested in the Official Custodian for Charities. It is unknown as to whether an such application was ever made. If no such application was made, then the land will have continued to be held by the trustees and upon their death, the legal interest in the land will have been vested in the personal representatives of the last of the two trustees to die until new trustees were duly appointed. Enquiries could be made with NMPFA and the Official Custodian for Charities as to whether or not the land is currently vested in the Official Custodian. Conclusion There are issues regarding the ownership of, and matters affecting, the unregistered part of the Property, in that it is unclear as to whom that part of the Property is currently vested in, and a copy of the conveyance dated 26th October 1931 is required. This would need to be explored and enquiries made before the feasibility of the Property for the proposed development can be properly determined. The Lease of the part of the Property which is in the Council's ownership contains a mutual break clause which could be exercised by the Council. However, it is concern that the current leasehold proprietors are not current trustees of the NMPFA. Regardless of the selection of the Property for the proposed development, enquiries should be made as to whether the leasehold proprietors are still connected with the NMPFA. Full Legal Title Report will be issued on 17th January 2023.	The Property falls within the freehold title CE189247, of which the Council is the registered proprietor. If the Property is selected for the proposed development, the Council should be wary not to cause any obstruction to the rights granted within the transfer dated 5th August 2021 such as the right to use the Access Road and Access Path and any Service Media laid under the Property and also to continue to observe and perform its obligations in respect of the maintenance and repair of the Access Road and Access Path and the covenant not to cause any interruption in the continuous use of the same and any Service Media at the Property. It should be considered as to what use the Council has currently allocated or designated the Property for and the purpose for which it is held. An appropriation of the Property following the procedure in s.122 of the Local Government Act 1972 may be followed for the development of the Property if it is not currently allocated for planning purposes. However, if it is presently allocated for planning purposes then the procedure in s.232 of the Town and Country Planning Act 1990 would need to be followed. In either scenario a decision record should set out which procedure is being followed. If the Property is considered to be 'open space' then any appropriation will be subject to advertising requirements. Full Legal Title Report will be issued on 17th January 2023.
Future Development Opportunity Considerations	Officers have considered each location and have identified any potential alternative uses for the land.	Land is within private ownership. It is unlikely the Council would propose any alternative uses for this land, but the owner could in the future utilise this space for expansion of existing services.	Land is currently identified as a housing development site within the Local Plan. This land is within the ownership of the Council. If considered for housing the proposed location could possibly generate an initial capital receipt and ongoing Council Tax revenue for the Council. Area could be utilised to provide Community Garden space.
Service Connections	Working with Engineering Department, officers have identified any potential service connection considerations. (Water, Electricity, Gas, Drainage, Telephone and Wi-Fi).	Site is likely to already be connected to the required services. Further works will be required to check capacity but is likely to cause less of an impact upon the available budget.	New service connections would be required for this location. A proportion of the available budget would be required to connect this location which is likely to be more expensive than if the location was already connected.
Consequential Improvement Requirements	Consequential improvements refer to energy efficiency improvements that are consequential to changes to a building, which are required by regulation 28 of the Building Regulations to make the whole building comply with Part L of the Building Regulations. Where improvements or extensions are proposed to existing building stock, additional consequential improvements such as those listed below could be required: - Upgrading heating, cooling or air handling systems. - Upgrading lighting systems. - Installing energy metering. - Upgrading thermal elements. - Replacing windows. - On-site energy generation.	The previous proposals outlined an extension to the existing facilities. Due to the nature of the development, a proportion of the available budget would be required to improve the existing building, meaning less will be spent on providing new community space. Alternative solution to develop upon land currently occupied by Tennis provision has also been identified to provide a stand alone new build. This would not require any consequential improvements.	As this option is proposing a stand alone new build, no consequential improvements would be required.
Flexibility of Construction Space	Assessed to see if location provides the opportunity for future expansion requirements. Also considerations taken with regards to the flexibility of adjusting proposed plans should any issues occur once construction has started.	The location looks to expand an existing facility with a specified area for a new community facility. Due to existing services and sporting facilities it is unlikely additional space within the current boundary could accommodate a future expansion to the community facility. Any expansion would either result in the loss of existing facilities or the need for additional land. The area suggested for the extension to the existing building would provide little to no flexibility to adjust plans should any issues occur during construction.	This location offers an area of greenspace for a new build facility. It is likely the location will provide the land required to support future expansion. The area suggested for the new facility would provide some flexibility to adjust plans should any issues occur during construction.
Environmental Desktop Site Assessment	Legal Services have commissioned desktop environmental searches from Landmark. This offers a site-specific, fast and accurate environmental assessments to help make informed decisions on land condition and regeneration. The report is the industry-standard desk study report, containing current and historical information, covering a comprehensive range of environmental risks.	No significant contaminant linkage has been identified and any liabilities from contaminated land are unlikely. A screening of potential flood risks has identified an elevated risk of flooding. A screening of Energy & Infrastructure projects has identified a project/s at or close to the property. The property is not considered to be within a radon affected area. No Environmental Constraints have been identified within 250 metres of your property.	No significant contaminant linkage has been identified and any liabilities from contaminated land are unlikely. We have not identified an elevated flood risk at your property. A screening of Energy & Infrastructure projects has identified a project/s at or close to the property. The property is not considered to be within a radon affected area. No Environmental Constraints have been identified within 250 metres of your property.
Consultation			
Positive Comments	The consultation asked respondents to provide details of what they believed to positives for each option.	The online survey produced a word cloud which identified key words used when responding to this question. These included: - Established - Community - Central - Existing Summary of some key comments included: - This location is more central and easily accessible for many residents - An existing facilities with capacity to grow and accommodate more activities - Will help to promote existing community activities. Bringing together older members of the community to offer support and knowledge to the younger generation. - Safe established access with existing parking facilities In summary the consultation identified the following positive response: 136 people see an extension to a building, rather than a green field development as a positive 40 people feel that the links to the existing facilities will be positive 60 people believe this site to be accessible and in a good location 4 people believe this location will have a positive effect on traffic 19 people see the close proximity to housing as a positive 18 people feel this location will provide the best parking facilities 32 provided other general positive comments	The online survey produced a word cloud which identified key words used when responding to this question. These included: - Parking - Community - Access - Space Summary of some key comments included: - Provide an opportunity for a purpose built facility - No constraints of size and could provide room for future expansion - Located next to Medical Centre with the ability to link health to the community - Accessible from several arterial roads with space for parking. Reduces congestion and parking issues on Guisborough Road In summary the consultation identified the following positive response: 134 people feel the use of new land and the building of a purpose built facility as a positive 97 believe this location will provide the best parking facilities and not add to other parking pressures 89 people believe the site to be accessible and in a good location 45 people felt that this location provides a positive separation from the existing facilities 42 people see the close proximity of the new Medical Facility as a positive 39 people believe this location will reduce traffic congestion 12 people see the close proximity to new housing in Nunthorpe as a positive 62 provided other general positive comments
Negative Comments	The consultation asked respondents to provide details of what they believed to negatives for each option.	The online survey produced a word cloud which identified key words used when responding to this question. These included: - Parking - Traffic - Guisborough Road - Existing Summary of some key comments included: - Disruption to existing facilities during construction - Existing site cars already end up spilling out from the car park and causing a problem on Guisborough Road - Conflict with existing facilities and members - Proposed location may need to use some of the land allocated to the playing fields, as expected when land was donated. In summary the consultation identified the following negative response: 60 people see the expansion of an existing building as a negative 44 people feel the links to existing facilities as a negative 36 people believe this is not the best location / accessibility issues 72 people believe this location will add to local traffic issues 2 people feel the location should be linked to the Medical Centre 5 people believe the site proximity to housing as a negative 128 believe this location will cause issues with parking and add to the existing pressures 67 provided other general negative comments	The online survey produced a word cloud which identified key words used when responding to this question. These included: - Traffic - Access - Stokesley Road - Location Summary of some key comments included: - Not well located for pedestrian and public transport access - Not particularly central to Nunthorpe, moving the focus away from the traditional centre by the railway station and shops - More development on a greenfield site instead or redevelopment of existing facilities - Building management and security In summary the consultation identified the following negative response: 151 people believe this is not the best location / accessibility issues 52 people believe this location will add to local traffic issues 31 people believe the community facility should not be built on green space 17 people believe this option will cost more and be unsustainable 16 people believe this location causes issues with proximity to housing 12 people believe parking in this location will be a issue 11 people believe this option will not link well with existing facilities 10 people believe an extension to an existing building is a better solution 26 provided other general negative comments.
Preferred Location	The consultation asked respondent to choose which location they would prefer.	Out of 350 respondents who chose to answer this question, 40% of people preferred this location.	Out of 350 respondents who chose to answer this question, 60% of people preferred this location.
Statutory Considerations			

<p>Highways Department Potential Considerations</p>	<p>The proposals seek to provide a community facility. The location of the facility should seek to maximise journeys by non-car modes in order to be sustainable. Reducing car based travel will reduce congestion, demand on car parking, lead to a higher quality development, reduce land take and be consistent with council and national planning and transport policies and strategies. Considerations will include;</p> <p>Pedestrian Access - Number of residences falling within 400m of proposed site. 400m represents a radius from the centre of each site and as such the greater number of residences within this catchment increases the number of residents within a short walk of the facilities.</p> <p>Public Transport - Distance to adjacent bus stops and the frequency/number of services served from them. The closer the site is to high frequent public transport the greater the catchment area by non car modes for the facility, particularly for residents who may not have access to a car.</p> <p>Car Parking - Available space for car parking and the associated risk and impact arising from displaced car parking.</p>	<p>Pedestrian Access Based upon a 400m radius there are circa 215 properties within walking distance of the proposed site. A footway exists only on the Northern side of Guisborough Road (opposite side to the development) Pedestrians have to walk in the vehicular access/car park access. Works will be required to facilitate ped access.</p> <p>Public Transport Eastbound and Westbound bus stops exist on Guisborough Road. These stops are immediately adjacent to the site and no further than 60m away from the site access. The stops are served by 2 bus services providing a 30min frequency service.</p> <p>Car Parking Vehicular access is taken from Guisborough Road via an existing junction serving the NMPFA. The site has an existing car park which serves the site which would also serve any new facility. Anecdotal evidence is that this is already heavily subscribed and as such it is possible that an extension to car parking would be required. Displaced parking would be likely to occur on Guisborough Road as the closest alternative.</p>	<p>Pedestrian Access Based upon a 400m radius there are circa 302 properties within walking distance of the proposed site. A footway exists only on the Eastern side of Stokesley Road (opposite side to the development) An uncontrolled crossing point (dropped kerbs and tactile paving) leads to the site via a traffic free ped/cycle route.</p> <p>Public Transport Northbound and Southbound bus stops exist on Stokesley Road. These stops are circa 130m of the site. The stops are not served by any regular public services.</p> <p>Car Parking Vehicular access is taken from Stokesley Road via the new access serving the Medical Centre. A new car park would need to be constructed to serve the proposed community centre which would solely serve the facility. Displaced parking would be likely to occur on the internal access road as the closest alternative.</p>
<p>Planning Department Potential Considerations</p>	<p>Local Plan Considerations/National Planning Policy/Other planning considerations</p> <p>General considerations Policy C54 requires all development to contribute to achieving sustainable development principles. This includes ensuring everyone has access to community facilities and being located so that services and facilities are accessible on foot, bicycle or by public transport. The proposed development would assist in improving access to community facilities within Nunthorpe and is located on the 28, 28A and 29 bus routes and in close proximity to bus stops.</p> <p>Policy C55 and DC1 collectively require all development proposals to demonstrate a high quality of design in terms of layout, form and contribution to the character and appearance of the area. No details of the design of the proposed development are available at this stage.</p> <p>Policy DC1 also requires that the effect upon the surrounding environment and amenities of occupiers of nearby properties will be minimal. It is considered that subject to high quality design, and appropriate layout within the site that there would not be a detrimental impact on the amenities of residential dwellings on the northern side of Guisborough Road. Dependent on the precise location within the site consideration should be given to any potential impact on dwellings to the east of the site. With regard to the effect upon the surrounding environment, as set out above in relation to Policy E7 consideration should be given to the impact of the proposals on views and vistas from Guisborough Road towards the countryside to the south.</p> <p>Policy DC1 and CS19 require that development proposals do not have a detrimental impact upon road safety. Policy CS17 requires that development should be located where it will not have a detrimental impact upon the operation of the strategic transport network and Policy CS18 requires that development proposals incorporate measures to improve transport options. These issues would need to be considered once the scale and design of the development are known.</p> <p>The proposed development should be considered against the requirements of the Nunthorpe Design Statement. Policy C1 seeks improvements to community facilities and socially and environmentally sustainable community buildings. The proposed development would assist in improving provision of community buildings. Policy D5 requires extensions to reflect the scale, detailing and materials of the parent building. Policy G2 seeks to resist the removal or reduction of open space that currently makes a positive contribution to Nunthorpe. Further details of the scale, design and precise location of the proposed development would be required in order to assess compliance with Policies D5 and G2.</p>	<p>The northern section of the Marton & Nunthorpe Playing Fields Association site is designated as Primary Open Space (POS) in the adopted Development Plan. The southern section of the site forms part of the residential allocation at Nunthorpe Grange. As the proposal is described as an extension of the existing building, it is assumed that the proposed development will be located within the northern section of the site as shown on the Nunthorpe Community Facility consultation leaflet. This response has been prepared on the basis that all of the proposed development will be within the part of the site designated as POS.</p> <p>Policy H1 requires that development is located within the urban area where it is accessible to the community that it serves. The proposed development is within the urban area as defined by the Limit to Urban Development and is in an accessible location.</p> <p>Policy E7 advises that land identified on the proposals map as POS will be safeguarded from development. The Policy allows exceptions to this, where the development complements the function of the open space or is of over-riding benefit to the community as a whole provided it would not result in the significant loss of specified types of open space. These types of open space include:</p> <ul style="list-style-type: none"> • open space necessary for meeting existing needs or suitable for meeting future needs or deficiencies for open space or outdoor sports and cannot be satisfactorily replaced by alternative provision elsewhere; and • open space of significant visual or landscape value, in its own right, or as a setting for existing buildings, or forming part of a significant view or vista or complementing a major transport route. <p>The NPPF similarly requires that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:</p> <ol style="list-style-type: none"> a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. <p>The proposed community centre is considered to be of over-riding benefit to the community as a whole. The precise location and extent of the footprint of the proposed development has not been provided. If the building were to be proposed on the sports pitch part of the site (as opposed to the car park / built up part of the site) it would be necessary to demonstrate that the open space is surplus to requirements and to consider whether it could be used to meet any deficiencies in other types of open space use. For example, the Open Space Needs Assessment identified a shortage of Youth Activity Areas in Nunthorpe.</p> <p>Adjacent land to the south of the Marton & Nunthorpe Playing Fields Association site is allocated for residential development in the Development Plan. Informal design guidance for the residential site, set out in the Nunthorpe Grange Design Code provides a masterplan for the future development of the adjacent site. The masterplan indicates that land south of the playing fields should remain as open space to enable views to the countryside beyond. Consideration should be given to whether the proposed development would have a detrimental impact on open space that forms part of a significant view or vista, as required by Policy E7.</p> <p>Conclusion Insufficient information has been provided on whether the proposed building is to be located within the built up part of the site or would extend into the sports pitch area of the site. Subject to the building not encroaching onto the sports pitches it is considered that the principal of development accords with the Development Plan Policies. If the development encroaches into the sports pitch area the proposed development would be contrary to Policy E7 of the Local Plan and the NPPF unless an assessment is undertaken to demonstrate that the open space is surplus to requirements and could not be used to address deficiencies in other types of open space provision.</p>	<p>The site is allocated for residential development in the adopted Development Plan by Policies H1, H10, H11, H29 and H31. The site is part of a larger site allocated for a maximum of 250 predominantly three and four bedroom dwellings and a 15% off-site affordable housing contribution. The Policies do not prevent other uses coming forward, although land developed for other uses could reduce the number of dwellings deliverable on the remainder of the allocated site, with a subsequent reduction in the level of affordable housing contribution</p> <p>Informal development guidance for the site is set out in the Nunthorpe Design Code. This guidance envisages that the site will be developed for housing.</p> <p>Conclusion The proposed development is not in accordance with the Development Plan as the site is allocated for residential development. The Development Plan Policies, however, do not restrict the development of non-residential uses and the proposed development will need to be assessed on its individual planning merits.</p>