



# Northumberland

## County Council

### **COMMITTEE: LOCAL AREA COUNCIL**

**DATE: 10th October 2022**

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### **PETITION AGAINST ON-GOING PLANNING ISSUES AND ENVIRONMENTAL DESTRUCTION ON LAND TO THE SOUTH OF ST MARY'S PARK, STANNINGTON**

**Report of** Rob Murfin, Interim Executive Director of Planning and Local Services

**Cabinet Member:** Cllr Colin Horncastle

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#### **Purpose of report**

To acknowledge the petition received from residents of St Mary's Park in respect of on-going planning issues and to agree the Council's response.

#### **Recommendations**

That members determine the appropriate action to take in respect of the petition which can include:

- Making Recommendations to Full Council, Cabinet, a Committee or to Officers
- Taking no further action
- Accepting the actions officers propose to take as set out in this report

#### **Link to Corporate Plan**

The issues raised in the petition and the Council's response to the petition are indirectly relevant to priorities included in the Northumberland County Council Corporate Plan 2020-2024 as follows:

- 'how' - The Council faces tough decisions that will not be universally popular. These are not taken lightly and the council pledges to listen and consider views
- 'enjoying' - the Council wants to protect and improve quality places, but also make sure that the places where people live, work and play continue to evolve and grow whilst retaining and deepening their appeal.

#### **Key issues**

- The residents of St Mary's Park have submitted a petition raising a series of concerns pertaining to on-going outstanding planning matters on land to the south of the site. The residents feel that nothing has been done by Bellway Homes or Northumberland County Council to rectify matters. The petition contains 311 names.
- A planning application was submitted in 2006 by Bellway Homes for the erection of 172 residential units (66 by conversion / 106 new build) 53,000 sq ft (approx) of commercial development, associated landscaping including restoration of registered gardens and

associated highway access improvements off and on site, and granted planning permission in 2007. Since then, a number of subsequent applications for reserved matters or variations to the scheme have also submitted and approved.

- A number of planning applications have since been submitted in respect of St Mary's Park since its original approval, however, in summary, the residents consider that planning condition no. 16 of application 13/03761/VARYCO has not been fulfilled. Application 13/03761/VARYCO was to vary condition 2 (approved plans) of planning approval 11/02980/FUL. Condition no.16 of 13/03761/VARYCO reads as follows:
- *No development shall commence until the applicant has submitted a detailed landscape and planting plan to include the planting of locally native trees, shrubs, grasses and wildflowers of local provenance, re-design of SUDS pond, translocation of soils and sward, timing, methods of working, ploughing, cultivation spreading and aftercare by means of a whole site Habitat Management Plan with all works in compliance with Environment Agency Pollution Prevention Guidance Notes 01, 05, 06 and 21 to be agreed in writing with the Local Planning Authority and to be fully implemented during the first full planting season (November to March inclusive) following the commencement of development.*
- *Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site.*
- The residents feel this condition was set to alleviate the environmental disturbance from across the development and provide an area of open access to residents. Instead, they believe it has been closed off and used to illegally dump construction waste and allowed to grow over. A discharge of conditions planning application has now been submitted to effectively remove the footpaths and gated access available to the public, which the residents believe needs to be immediately blocked/ refused. The application is still under consideration.
- The residents are also concerned that the approved intentions for the recreational field/pavilion to the south of the estate have also not been met. The pavilion was intended to be rebuilt and this has not happened, nor has the recreational area been developed.
- The residents state that construction waste remains on both areas, which contravenes both the planning permission and the recommendations of the Local Government Ombudsman following a complaint.
- The Council takes the matters raised very seriously. This report outlines how decisions are currently made and why, and where relevant identifies some matters which we will look to pursue to improve and refine the planning decision-making process.

## **Background**

1. St Mary's Park is located on the former St Mary's Hospital site in Stannington, Morpeth, which closed in 1996. The site lies 3km to the north west of the village of Stannington and 5km south west of Morpeth.
2. To the immediate north of the site boundary the land is rural in nature with facilities such as the Gubeon Plantation and the Whitehouse Farm Centre. To the east lies further rural fields with the A1 north/south connection beyond. The south and west are also rural in nature. A road at the south east corner of the site leads to Stannington Village.
3. The development is now fully complete and occupied.
4. The reason for the petition from the residents of the estate relates to 2no planning conditions. These are condition no. 10 of application CM/20060893 which has been discharged,

however, the site has not been developed in accordance with that condition, and condition no.16 of application 11/02980/FUL (listed above), which has not been discharged

5. For ease of reference, condition no.10 is shown below:

*No development shall take place until a scheme for the restoration and/or provision of playing fields and associated facilities, and their availability to the community has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of the current playing field quality and measures to improve it, details of the refurbishment or replacement of the pavilion and details of a management plan to ensure use of the facilities by the community. Development shall take place in accordance with the approved plans.*

*Reason: In the interests of retaining and improving sports facilities and their accessibility to the community.*

6. In preparing this report these cases have been reviewed in respect of the issues raised in the petition. However, this report does not seek to go over the details of each case. The Planning Officer's report relating to application CM/20060893 accounts for the considerations which informed the planning decision, details of which are publicly available via the Council's public access website. Instead, this report focusses on the actions the petitioners request that the Council address. The following takes each of the suggested action points in turn and sets out the Council's response.

## **MATTERS TO BE ACTIONED**

7. The Petition expresses dissatisfaction at the lack of action taken by Northumberland County Council on Bellway following their lack of adherence to the approved planning permission for St Mary's Park.
8. The Council acknowledges that not all conditions attached to the aforementioned planning permissions have been fully adhered to specifically conditions . 10 of application CM/20060893 and condition no.16 of application 11/02980/FUL. It is the responsibility of the developer, in this case Bellway Homes, to ensure all conditions are complied with. Any shortfall of that can result in the County Council pursuing enforcement action.
9. It is acknowledged that progress has been slower than anticipated in addressing the outstanding conditions. Work has been on-going for the past 2-3 years between the local planning authority and Bellway Homes to resolve matters. Due to the number of subsequent applications having been submitted since the original approval, this became a complex and challenging process requiring significant input from both the local planning authority and Bellway Homes. It should be made clear that a breach in planning control does not always resort to immediate enforcement action. Where possible, attempts will be made at all levels to resolve matters, as has been the case here. It is also worth pointing out that due to the number of subsequent applications some aspects of the original scheme have changed.
10. The petition is to Northumberland County Council and Bellway Homes to landscape and complete the sustainable wetland area and Recreation Field at St Mary's Park, Stannington as per original plans; amenity areas open to all residents with open footpaths, meadow grasses, trees and sports facilities.
11. The Council acknowledges that this is what was agreed in the originally approved proposals and has sought to achieve this through discussions with Bellway Homes. Notwithstanding

this, circumstances have changed in some respects since permission was granted and Bellway Homes, in agreement with Sport England, are pursuing an alternative proposal for the pavilion and cricket grounds. In this regard, an application is expected in August / September 2022 to address that proposed change and like all planning applications it will be made publicly available to the residents of St Mary's for their comments as part of the public consultation.

12. With regards to the wetland area, planning officers have been engaging with the Local Lead Flood Authority who is content with the SuDS Basin at St Mary's Park and has advised that some maintenance is required around the inlet and outlets, which has been relayed to Bellway Homes. They have been provided with a deadline of end of September 2022 by which the maintenance should be complete.
13. In respect of the landscaping, meadow grass and trees, planning officers have been engaging with the Council's Ecologist who has provided detailed information on measures required to enable Bellway Homes to comply with condition no.16. Although it is acknowledged that there has been some planting it does fall short of the approved landscaping schemes and in some instances the planting has failed. All matters surrounding this are being discussed with Bellway Homes in conjunction with our County Ecologist along with timescales for works to be complete.
14. Should any of the above timescales not be met, and in view of the significant lack of compliance to date, the Council will pursue enforcement action without further delay.
15. The Council's adopted Petitions Protocol at section 8(ii) sets out the process to be followed and role of members:

*The Chair will firstly invite the lead petitioner to speak. Committee members may then ask questions of the lead petitioner. The Chair will then invite a relevant officer(s) to respond, after which the matter will be open for debate among members. The Local Area Council or the Petitions Committee will decide on the appropriate action to take in respect of the petition. This may involve making recommendations to full Council, Cabinet, a regulatory committee or another body, or to officers.*

**Implications:**

<b>Policy</b>	Planning decisions are made in the context of national and local level planning policies. The report discusses the new Northumberland Local Plan, against which future planning decisions are expected to be made.
<b>Finance and value for money</b>	There are no finance and value for money considerations.
<b>Legal</b>	The determination of planning applications is governed by planning and associated legislation including the Town and Country Planning Act 1990  The terms of reference for Local Area Councils include:  <i>To, as appropriate, respond or refer with recommendations to local petitions and councillor calls for action.</i>

<b>Procurement</b>	There are no direct procurement considerations.
<b>Human Resources</b>	None significant
<b>Property</b>	
<b>Equalities</b> (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	An Equalities Impact Assessment is not considered necessary given the proposals included in this report
<b>Risk Assessment</b>	N/A
<b>Crime &amp; Disorder</b>	N/A
<b>Customer Consideration</b>	The response set out in this report has been prepared in response to customer concerns. It seeks to respond to the matters raised and where appropriate seek improvements.
<b>Carbon reduction</b>	Climate change is inherently part of the planning system however, the specific matters raised in the petition do not directly influence carbon reduction.
<b>Health and Wellbeing</b>	N/A
<b>Wards</b>	Ponteland East and Stannington

**Background papers:**

Planning Applications ref: CM/20060893, 11/02980/FUL and 13/03761/VARYCO

**Report sign off**

***Authors must ensure that officers and members have agreed the content of the report:***

	Full Name of Officer
Monitoring Officer/Legal	SB
Executive Director of Finance & S151 Officer	JW

Relevant Executive Director	RM
Chief Executive	RF
Portfolio Holder(s)	CH

**Author and Contact Details**

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