

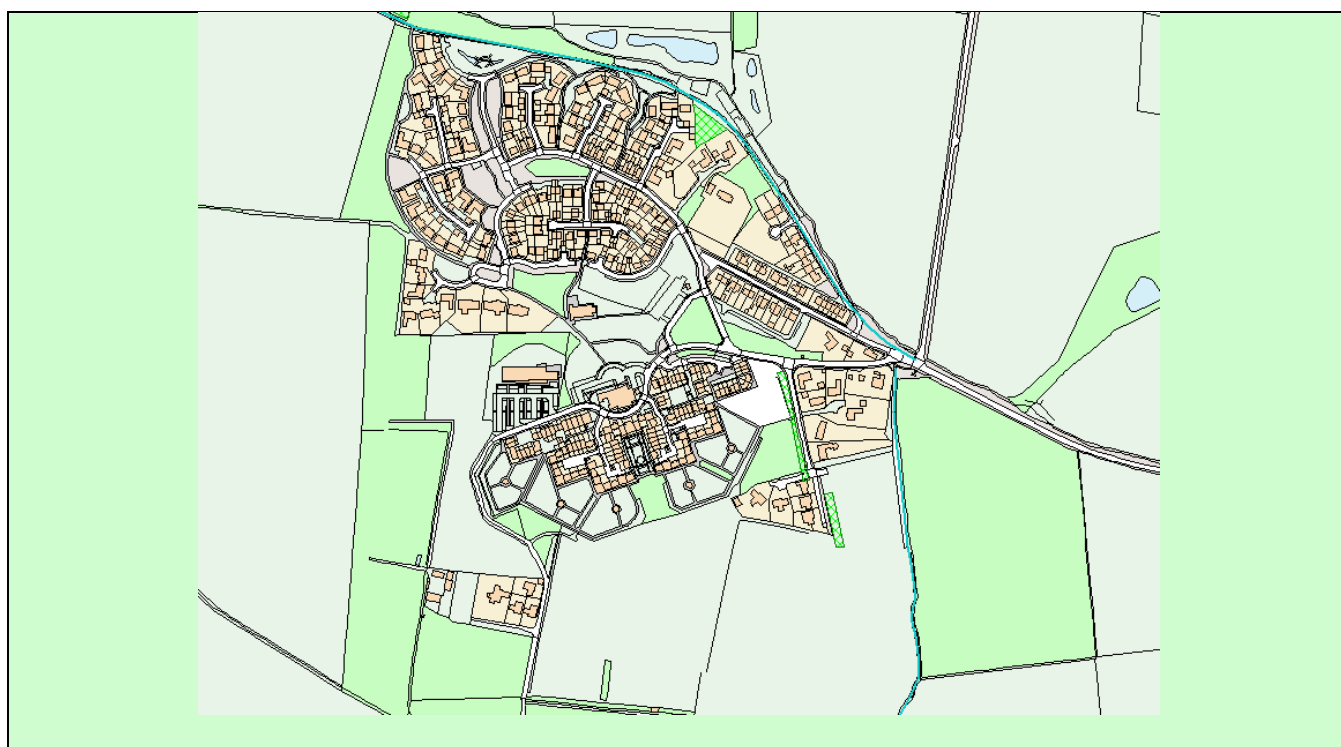


Northumberland County Council

CASTLE MORPETH LOCAL AREA COMMITTEE 10TH JULY 2023

Application No:	22/02924/VARYCO		
Proposal:	Removal of Condition 10 on approved planning application CM/20060893 in order to omit the Condition to submit a scheme for the restoration and/or provision of playing fields.		
Site Address	St Marys Hospital, St Marys Hospital Drive, Stannington, Northumberland NE61 6AP		
Applicant:	Mrs Emma Moon Bellway House, Kings Park, Kingsway North, Team Valley, Gateshead NE11 0JH	Agent:	Mr Joe Ridgeon Unit 3 Hexham Enterprise Park, Burn Lane, Hexham, NE46 3HY
Ward	Ponteland East And Stannington	Parish	Stannington
Valid Date:	4 October 2022	Expiry Date:	12 May 2023
Case Officer Details:	Name: Richard Laughton Job Title: Senior Planning Officer Email: richard.laughton@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission for the removal of condition no. 10



Recommendation: This application is to GRANT planning permission.

1. Introduction

1.1 Following the receipt of a petition from residents of St Mary's Park in respect of the requirements of the original planning permission not having been fulfilled, it is appropriate to have this application determined at the Local Area Planning Committee by Members given the significant local interest in the application.

2. Description of the Proposals

2.1 This application follows on from the original planning permission granted in 2007 for 172 residential units, commercial development and landscaping at the former St Mary's Hospital site in Stannington and a number of applications to vary details from the original scheme. Within the 2007 permission, and in respect of restoration of the playing fields and rebuild of the pavilion, condition no.10 was attached, as follows:

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.

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

2.2 This application seeks to remove this condition entirely. Since the 2007 approval, circumstances have changed, primarily relating to the pavilion, which has been demolished/collapsed for a number of years. As the condition states, the pavilion should have been restored or replaced, however, the potential to fulfil this requirement has been challenged by the developer, Bellway. It is understood that it was originally intended to have a replacement pavilion maintained and financially managed by a charity that was formed by the residents of the estate. However, over time, it became apparent that there was no established sports club to make use of the new facility to ensure the long-term sustainability of the pavilion, it needed to be used regularly to fund the on-going running costs. Bellway advised that the charity had expressed their concerns over the management of the pavilion when there were no committed and regular users.

2.3 With regard to the proposed pavilion, Sport England undertook discussions with the national governing bodies for various sports, which did not indicate any current or likely interest in teams using the proposed facilities. Whilst it was acknowledged the pitch could potentially be used, there is concern that the pavilion might not. If it were not used, this could potentially quickly fall into disrepair and become dilapidated.

2.4 Bellway have been in discussion with planning officers and Sport England for several months to establish a satisfactory way forward that would suit the overall

planning permission and still be of benefit to the residents of the estate. More detail on this is provided in the Appraisal section of the report.

2.5 As a result of those discussions, the proposal now is to secure a financial contribution from Bellway for the sum of £240,566 for the loss of the playing pitches and £45,447 for a like-for-like replacement pavilion or alternative provision. The contribution will be held in trust to enable the residents of St Mary's to spend it how they consider it to be of most benefit on sports facilities. The S106 agreement to secure the financial contributions will be attached to planning application 22/02923/FUL, which is being considered alongside this application. The two applications should be considered together to enable all of the required works to be completed.

3. Planning History

Reference Number: CM/92/D/147

Description: Section 64 determination for use of premises and land with use C2 - residential accommodation

Status: Approved

Reference Number: 17/01748/NONMAT

Description: Non Material Amendment to approved planning application CM/20080874 in order to list the provision of approved plans

Status: Approved

Reference Number: 17/02269/DISCON

Description: Discharge in part of Condition 10 of planning permission reference CM/20060893 - Details regarding replacement pavilion building

Status: Approved

Reference Number: 18/00132/DISCON

Description: Discharge of conditions 2 (phasing program), 6 (foul and surface water drainage) and 10 part (scheme for restoration) on approved planning application CM/20060893.

Status: CONREF

Reference Number: 18/03202/DISCON

Description: Discharge of Condition 10 (Playing field assessment TGMS report) on approved Planning application CM2006/0893 P/T

Status: Refused

Reference Number: 19/00718/DISCON

Description: Discharge of conditions : Condition 10 (drainage and landscaping) related to planning approval CM/20060893

Status: Refused

Reference Number: 20/00404/NONMAT

Description: Non material amendment (addition of approved plans condition) pursuant to planning application CM/20080874

Status: Approved

Reference Number: 21/04194/DISCON

Description: Discharge of Condition 6 on approved application 14/03197/FUL
Status: CONREF

Reference Number: CM/20100729

Description: Revised design of dwelling (amendment to CM/20080874)

Status: No objection

Reference Number: CM/20100319

Description: Variation Condition 6 on CM/20080874 (reserved matters).

Status: Approved

Reference Number: CM/20100269

Description: Reserved Matters: Mixed use development (This reserved matters refers to the Gastro Pub only) 172 residential units, 32000 ft2 (approx) of commercial development, associated landscaping including restoration of registered gardens and associated highways access improvements off and on site.

Status: Approved

Reference Number: CM/20100005

Description: Reserved Matters: Mixed use development (this reserved matters relates to commercial only) 172 residential units, 52000 ft2 (approx) of commercial development, associated landscaping, including restoration of registered gardens and associated highways access improvements off and on site.

Status: Approved

Reference Number: CM/20080874

Description: Mixed use development (this reserved matters relates to housing only) 172 residential units, 52,000sqft (approx) of commercial development, associated landscaping including restoration of registered gardens and associated highways access improvements off and on site

Status: Approved

Reference Number: CM/20060893

Description: Mixed use development : 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

Status: Approved

Reference Number: CM/04/D/940

Description: Serviced office building, associated car parking, associated landscaping, associated highways access improvements

Status: Approved

Reference Number: CM/04/D/611

Description: Mixed use development - 178 dwellinghouses (66 by conversion and 112 new build), community centre, bistro, sports facilities, restoration of gardens and improved highway access.

Status: Refused

Reference Number: 19/00718/DISCON

Description: Discharge of conditions : Condition 10 (drainage and landscaping) related to planning approval CM/20060893

Status: Refused

Reference Number: 20/00404/NONMAT

Description: Non material amendment (addition of approved plans condition) pursuant to planning application CM/20080874

Status: Approved

Reference Number: 21/04194/DISCON

Description: Discharge of Condition 6 on approved application 14/03197/FUL

Status: CONREF

Reference Number: 22/04794/NONMAT

Description: Non-Material amendment (amendment to SuDs planting plan to change 'translocated MG5 grassland' to Northumberland Meadow See Mix') pursuant to planning application 11/02980/FUL

Status: Approved

Reference Number: CM/20100269

Description: Reserved Matters: Mixed use development (This reserved matters refers to the Gastro Pub only) 172 residential units, 32000 ft2 (approx) of commercial development, associated landscaping including restoration of registered gardens and associated highways access improvements off and on site.

Status: Approved

Reference Number: 19/00718/DISCON

Description: Discharge of conditions : Condition 10 (drainage and landscaping) related to planning approval CM/20060893

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Description: Discharge of Condition 6 on approved application 14/03197/FUL

Status: CONREF

Reference Number: 22/04794/NONMAT

Description: Non-Material amendment (amendment to SuDs planting plan to change 'translocated MG5 grassland' to Northumberland Meadow See Mix') pursuant to planning application 11/02980/FUL

Status: Approved

Reference Number: CM/20100269

Description: Reserved Matters: Mixed use development (This reserved matters refers to the Gastro Pub only) 172 residential units, 32000 ft2 (approx) of commercial development, associated landscaping including restoration of registered gardens and associated highways access improvements off and on site.

Status: Approved

Reference Number: 18/02392/FUL

Description: Ground floor rear extension and loft conversion

Status: Approved

Reference Number: 19/00718/DISCON

Description: Discharge of conditions : Condition 10 (drainage and landscaping) related to planning approval CM/20060893

Status: Refused

Reference Number: 20/00404/NONMAT

Description: Non material amendment (addition of approved plans condition) pursuant to planning application CM/20080874

Status: Approved

Reference Number: 21/04194/DISCON

Description: Discharge of Condition 6 on approved application 14/03197/FUL

Status: CONREF

Reference Number: 22/04794/NONMAT

Description: Non-Material amendment (amendment to SuDs planting plan to change 'translocated MG5 grassland' to Northumberland Meadow See Mix') pursuant to planning application 11/02980/FUL

Status: Approved

4. Consultee Responses

Stannington Parish Council	No response received.
Sport England	Initial objections. Further information has been provided to Sport England to address their concerns and final comments are awaited.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	4
Number of Objections	1
Number of Support	0
Number of General Comments	0

Notices

General site notice displayed

Morpeth Herald - 13.10.2022

Summary of Responses:

One objection has been received from a resident of St Mary's expressing anger at Bellway for not having fulfilled the requirements of the planning permission and "the state Bellway have left the former hospital grounds."

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=RGI1BZQSIUD00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan 2016 - 2036 (Adopted March 2022) (NLP)

Policy STP 1 - Spatial strategy (strategic policy)
Policy STP 2 - Presumption in favour of sustainable development (strategic policy)
Policy STP 3 - Sustainable development (strategic policy)
Policy STP 5 - Health and wellbeing (strategic policy)
Policy STP 7 - Strategic approach to the Green Belt (strategic policy)
Policy STP 6 – Green infrastructure (Strategic Policy)
Policy STP 8 - Development in the Green Belt (strategic policy)
Policy HOU 9 - Residential development management
Policy QOP 1 - Design principles (strategic policy)
Policy QOP 2 - Good design and amenity
Policy QOP 4 - Landscaping and trees
Policy QOP 5 - Sustainable design and construction
Policy QOP 6 - Delivering well-designed places
Policy ENV 2 - Biodiversity and geodiversity
Policy ENV 3 – Landscape
Policy ENV 7 – Historic environment and heritage assets
Policy WAT 1 – Water Quality
Policy WAT 2 – Water supply and Sewerage
Policy WAT 3 - Flooding
Policy WAT 4 - Sustainable Drainage Systems
Policy INF1 – Delivering Development Related Infrastructure
Policy INF2 – Community Services and Facilities
Policy INF 6 - Planning obligations

6.2 National Planning Policy

National Planning Policy Framework (2021) (NPPF)
National Planning Practice Guidance (2021) (NPPG)

6.3 Neighbourhood Planning Policy

Stannington Neighbourhood Plan 2018

Policy 1 – Assets of Community Value
Policy 2 – New and extended Community Facilities
Policy 4 – Local green space and recreational provision
Policy 10 – Design and Character

6.4 Other Documents/Strategies

N/A

7. Appraisal

7.1 As the principle of development on the St Mary's site has previously been established through the granting of the previous planning permission, and as the build is now complete, the considerations for this application focus on the consequences of the removal of condition no. 10.

Playing Pitches

7.2 Paragraph 130 of the NPPF seeks to achieve well-designed places stating that developments should function well and add to the overall quality of an area for the lifetime of the development. Paragraph 98 also supports high quality open spaces and opportunities for sport and physical activity as being important for the health and well-being of communities.

7.3 St Mary's Park is a mix of new dwellings and conversions and is now complete in respect of the build work. The landscaping and playing pitch restoration works, however, have fallen short or been entirely absent from what the planning permission required and of what was expected by the residents.

7.4 Since October, officers of the Planning Department have walked St Mary's site with Bellway officers on two separate occasions. The first visit was to understand in more detail the extent of the issues and the second was to observe the subsequent improvements and progress made. The first meeting confirmed that no progress had been made in developing the playing pitches and there was no evidence of any planting or landscaping on the land to the south of the estate. There was evidence of building rubble and broken bricks scattered around the grassed areas and the viewing mounds did not reflect what had been granted planning permission. With regards to the pavilion that the residents have wanted to see reinstated, in view of the arising challenges which have prevented that from being carried so far, Bellway were advised that the originally suggested £25k towards other sports provision for the site in lieu of the pavilion was insufficient.

7.5 To address these matters, Bellway submitted this application and another alongside, both of which will be presented to Members on 10th July at the Castle Morpeth Committee. The removal of condition no. 10 from the original permission will enable Bellway to provide alternative provision for the playing fields, which is addressed within the FUL application, and includes pitch drainage and landscaping of viewing mounds.

7.6 In respect of the £25k financial contribution towards other sports provision, this has been increased to an offer of £45,447 from Bellway which will cover the expected costs of alternative provision. In addition, the developer has employed a contractor to implement the detailed landscape and planting plan. Work has been ongoing through the winter months and it was clear to officers during the second walk over the site that there have been marked improvements since the first visit with circa 2,000 trees having been planted and landscaping underway. Scattered rubble and bricks have also been removed as the land is being prepared to be grassed over. These works also include the whole of the useable playing field area to be planted with Olympic Quality grass seed mix. Once the grass has been established mown footways will be cut through to provide walkways and accessibility throughout this area.

7.7 In respect of the loss of the playing field, Bellway have offered a sum of £240,566 which will be made payable within 3 months of the date of the planning

decision notice being issued. Both financial contributions will be secured through a S106 agreement and held in trust for the first year. The monies can then be allocated to an "Approved Group" (defined as a non-profit making, legally constituted organisation which holds a bank account such as a Parish or Town Council, local community group, residents association, sports club or school that is approved by the Council) for use for the "Local Sporting Infrastructure Purpose" within the "Stannington Area" (reference to the Stannington Neighbourhood Plan Area). Following this, the monies can then be allocated for the next nine years to an "Approved Group" for use for the "Local Sporting Infrastructure Purpose" within the "Central Delivery Area" (shown on figure 2.1 of the NCC Local Plan). The Council is to return the funds if they have not been allocated in full for these purposes within the ten year period.

Sport England

7.8 As mentioned earlier in the report, Sport England have been consulted on the proposals and, at the time of compiling the report, have not withdrawn their objection. The last response from Sport England received on 4th May 2023 requested Bellway to consider using an Olympic Quality seed mix for the remainder of the playing field as opposed to just the notional pitch area, as first set out in the plans. Since these comments, Bellway have submitted a revised plan to meet those requirements and the plan is documented in the approved plans list. In their previous comments, Sport England also suggested that Bellway increase their financial contribution to £240,566 to compensate for an overall loss of 1.7ha of playing field, which Bellway has agreed to.

7.9 In view of Bellway meeting all of the requirements of Sport England, it is anticipated that formal withdrawal of their objection will have been received by the time of the committee meeting on 10th July. Members will be updated accordingly.

8. Conclusion

8.1 It is considered that condition no.10 of planning permission CM/20060893 can be removed from the variation of condition application for the reasons set out in the report. The alternative provision in respect of the playing field, landscaping and drainage are addressed in application 22/02923/FUL.

Equality Duty

The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

9. Recommendation

To GRANT planning permission for the removal of condition no.10. from planning permission CM/20060893.

Date of Report: 26 June 2023

Background Papers: Planning application file(s) 22/02924/VARYCO