



Northumberland

County Council

COMMITTEE : CASTLE MORPETH LOCAL AREA COMMITTEE

DATE: 11TH SEPTEMBER 2023

PETITION RECEIVED CONTAINING 54 SIGNATURES AGAINST ON-GOING PLANNING ISSUES AND UNFINISHED WORKS ON THE NURSERY GARDENS SITE, STANNINGTON STATION.

Report of: Rob Murfin, Director of Housing and Planning (Chief Planning Officer)

Cabinet Member: Cllr Colin Horncastle

Purpose of report

To acknowledge the petition submitted by residents of the Nursery Gardens Site, Stannington Station in respect of unfinished work and breaches of planning.

Recommendations

That Members determine the appropriate action to take in response to 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

- A petition has been submitted and received by Northumberland Planning Department from the residents of Nursery Gardens, Stannington, raising a series of concerns pertaining to on-going outstanding planning matters on the residential site. The petition states that building on the site began nearly 4 years ago and the last house was completed more than 2 years ago. Despite numerous complaints by residents to the Developer, the Builder, the Parish Council, Northumberland County Council and their local MP, the residents are still awaiting completion of the outstanding work. They feel they have been promised resolutions with no follow up action.
 - The residents state in the petition that they demand that Northumberland County Council takes immediate action to ensure that all work is completed on their estate in accordance with the planning application agreed with Ludgate Ltd, trading as Willow Homes, including incomplete work on roads, kerbs, pavements, signage and the amenities area and appropriate enforcement action taken.
- A planning application was submitted in 2016 by Ludgate Ltd for the residential Development of 34 no. dwellings with associated access and landscaping (as amended by reduction of 2 no. dwellings, revisions to layout and house types). Since then, a variation of conditions application was submitted to allow for a change in house types, which was approved. A number of applications to discharge the planning conditions attached to that variation have since been submitted and approved with the exception of one in relation to ground gas protection, which is still under consideration. The conditions related to landscaping, open space management, surface water drainage, foul water disposal, access, estate phasing, street management and maintenance, construction management and method, external lighting and contaminated land. Once these conditions have been discharged, the works can be carried out.
- Since the determination of these applications and as the development has progressed in construction, the residents have become increasingly concerned at the level of incomplete works and/or works that they consider have not been in line with the planning conditions attached to the permission that was granted.
- 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. Full planning permission was granted for 34 dwellings with associated garages on land at the site of Stannington Nurseries and Birchwood Nurseries on Station Road, Stannington. The site extended to 1.29 hectares in area and lies within the Green Belt. The submitted plans showed a development of 34 two-storey dwellings across the two sites. 5 affordable units (3 x 2 bedroom and 2 x 3 bedroom) were proposed on-site which

equated to 15% provision. The remaining properties comprised 7 x 3 bedroom properties, 16 x 4 bedroom and 6 x 5 bedroom.

2. The eastern part of the site (Stannington Nurseries) has an extant outline planning permission (15/01760/OUT) on 0.6 hectares of land for up to 27 dwellings including 15% affordable housing. The committee report for that application identified the land as being previously-developed and in commercial use, including a commercial nursery with retail sales, a cafe, retail workshops, stores, hardstandings and car parking areas.

3. The remaining part of the site was occupied by land and buildings associated with Birchwood Nurseries.

4. Station Road forms the northern boundary of the site, along with the dwellings at 58 Station Road and a dwelling associated with Birchwood Nurseries. The site is bound to the east and south by agricultural land and to the west by the property at 56 Station Road and paddock land. Trees and hedgerows form the east and western boundaries of the site, with a small woodland located to the southern boundary.

5. The development of the dwellings is now fully complete and all are occupied.

UPDATE SINCE PETITION

■ Northumberland County Council Planning Department became involved in this site in November 2022 following complaints largely in relation to the unfinished site, lack of landscaping and play area. Our enforcement officers have since been in regular communication with the developers and the landowners with a view to addressing the breaches of planning control that have occurred.

■ Since the involvement of the enforcement officers, communication and actions from the developer had recently and notably improved and works had gathered momentum on site. Works to the amenity areas of the site raised by residents were underway (when weather conditions allowed) which involved levelling the site, spreading and levelling the topsoil, planting, seeding and installing the pathway and play equipment. With regards to the surfacing, kerbs and paths, the landowners/developers are in the process of engaging with an alternative contractor with a view to commencing works at the end of August.

■ Notwithstanding this, the Council has prepared a Breach of Conditions Notice ready to be served on the developer should works stall or stop altogether and, regrettably, progress does appear to have again stalled. At the time of compiling this report, enforcement officers were visiting the site to discuss the situation with the developer and to inform that the Breach of Conditions Notice would be imminently served, if necessary.

In summary

■ It is considered that the developer has taken some appropriate measures to remedy the issues at Nursery Gardens that have impacted the site since development commenced and equally since the build work was completed. Notwithstanding this, what was granted

planning permission and what residents were reasonably expected to enjoy within Nursery Gardens has not been fully delivered to date. In view of this, the Council is reserving the right to serve the BCN, which has no right of appeal. The developer will be required to complete the works within a scheduled timeframe. If the developer does not comply with the Notice, this constitutes an offence for which a significant fine can be imposed. It is hoped matters will not need to progress to that stage, however, the Council's enforcement officers are closely monitoring the situation and are ready to pursue the next course of action without further delay, if necessary.

- Members will be fully updated of the situation at committee.

Recommendation:

That Members accept the actions officers propose to take as set out in this report. Members are also advised that planning officers will proactively monitor of the site.

Author and Contact Details

Rob Murfin

Rob.murfin@northumberland.gov.uk