

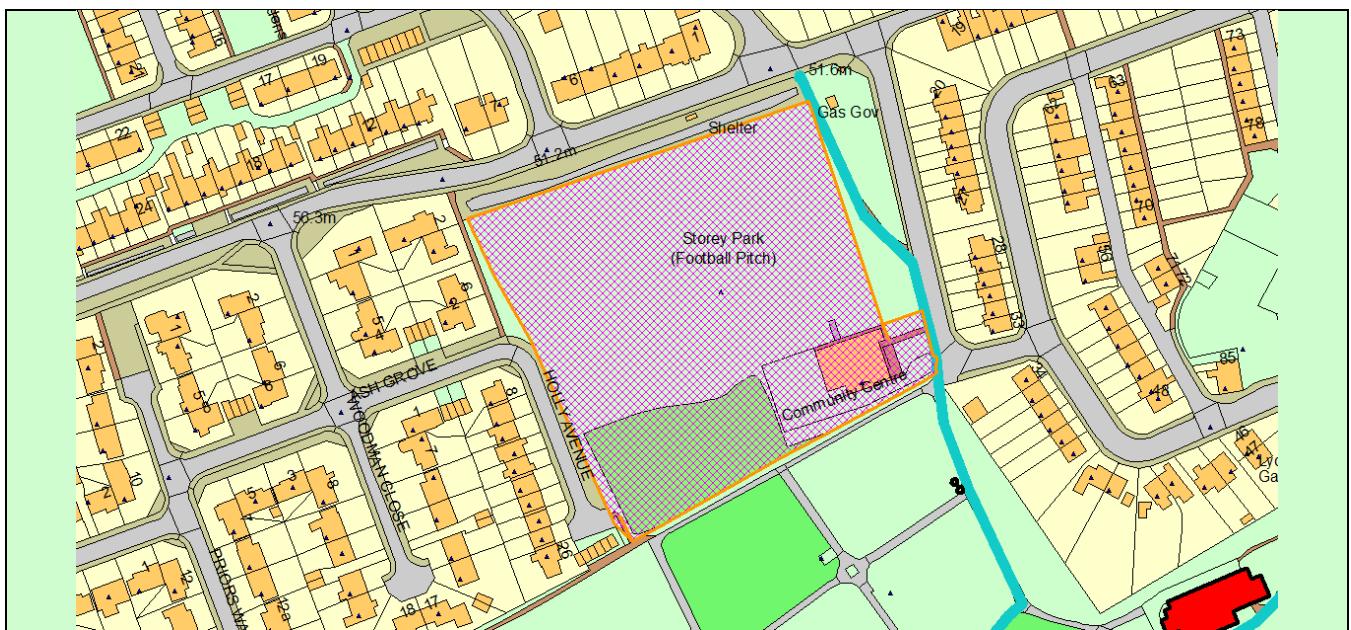


# Northumberland County Council

## Castle Morpeth Local Area Council Committee Monday 14<sup>th</sup> March 2022

<b>Application No:</b>	21/03918/FUL		
<b>Proposal:</b>	Proposed Demolition of Storey Park Community Centre.		
<b>Site Address</b>	Storey Park Community Centre, St Marys Field, Highchurch, Morpeth NE61 2QF		
<b>Applicant:</b>	Morpeth Town Council 4 - 6 Market Street, Alnwick, NE66 1TL,	<b>Agent:</b>	Miss Hannah Wafer 4-6 Market Street, Alnwick, NE66 1TL
<b>Ward</b>	Morpeth Kirkhill	<b>Parish</b>	Morpeth
<b>Valid Date:</b>	7 October 2021	<b>Expiry Date:</b>	15 March 2022
<b>Case Officer Details:</b>	Name: Mr Ryan Soulsby Job Title: Planning Officer Tel No: 01670 622627 Email: <a href="mailto:Ryan.Soulsby@northumberland.gov.uk">Ryan.Soulsby@northumberland.gov.uk</a>		

**Recommendation:** That this application be GRANTED permission



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### 1. Introduction

- 1.1 The application was referred to the Director of Planning and the Chairs of the Castle Morpeth Local Area Council. It was confirmed that the application should be determined at Local Area Council Committee.

## 2. Description of the Proposals

- 2.1 The application seeks planning permission for the demolition of a detached building recognised as Storey Park Community Centre, St Marys Field, Highchurch, Morpeth.
- 2.2 The building was constructed around the 1950s with subsequent extensions to the original structure. Over recent years, the building has fallen into disrepair with various quotes obtained for repairs to the building between 2014 and 2018. Due to the significant cost implications associated with bringing the building up to an acceptable modern standard, the decision was made to close Storey Park.
- 2.3 The supporting documents outline that in the years prior to its closure, 2019/2020, Storey Park was only used at approximately 25% of its potential capacity.
- 2.4 Prior to submission of this current planning application, a prior notification application was submitted to the LPA for assessment. During the assessment process, the Storey Park Community Group requested the building be identified as an Asset of Community Value (ACV). It was subsequently listed as an ACV in March 2021.
- 2.5 Section 88 of the Localism Act (2011) enables land and/or buildings to be listed as ACVs where it is the opinion of the authority that:
- a) An actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interest of the local community; and
  - b) It is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interest of the local community

## 3. Planning History

**Reference Number:** 21/00892/DEMGDO

**Description:** Prior notification: Demolition of the community centre building

**Status:** Withdrawn

## 4. Consultee Responses

Highways	No objection; informatives recommended.
Morpeth Town Council	No comment.
Forestry Commission	No response received.
Countryside/ Rights Of Way	No objection providing no impact on PRoW.
County Ecologist	No objection; informative recommended.
Public Protection	No objection subject to recommended conditions.

## 5. Public Responses

## Neighbour Notification

Number of Neighbours Notified	39
Number of Objections	1
Number of Support	0
Number of General Comments	0

## Notices

Public Right of Way, 25th October 2021

Morpeth Herald 14th October 2021

## Summary of Responses:

1 no objection was received from a member of the public. Concerns were raised regarding:

- Over inflation of repair costs;
- Previous community uses within the building;
- Loss of community asset.

Material planning considerations will be assessed within the appraisal below.

A screenshot of an online petition with 1,018 signatures was also submitted by the objector against the demolition of the application property however, the petition was not formally submitted against the application by the creator.

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=R0I6UDQSJP600>

## **6. Planning Policy**

### 6.1 Development Plan Policy

Morpeth Neighbourhood Plan (Made version, May 2016) (MNP)

Policy Sus1 Sustainable Development Principles

Policy Des1 Design Principles

Policy Set1 Settlement Boundaries

Policy Env3 Protected Open Space

Castle Morpeth District Local Plan (2003) (Saved Policies 2007) (CMDLP)

Policy C1 Settlement boundaries

Policy C11 Protected species

Policy MC1 Settlement Boundary

Policy MC7 Protected Open Space

### 6.2 National Planning Policy

National Planning Policy Framework (2021) (NPPF)

### 6.3 Other documents/strategies

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by Main Modifications recommended in the Inspectors' Report (January 2022).

Policy STP 1 Spatial strategy (Strategic Policy)

Policy STP 2 Presumption in favour of sustainable development (Strategic Policy)

Policy STP 3 Principles of sustainable development (Strategic Policy)

Policy STP 4 Climate change mitigation and adaptation (Strategic Policy)

Policy STP 5 Health and wellbeing (Strategic Policy)

Policy HOU 9 Residential development management

Policy QOP 1 Design principles (Strategic Policy)

Policy QOP 2 Good design and amenity

Policy QOP 3 Public realm design principles

Policy QOP 4 Landscaping and trees

Policy QOP 5 Sustainable design and construction

Policy QOP 6 Delivering well-designed places

Policy ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)

Policy ENV 2 Biodiversity and geodiversity 1

Policy INF4 Assets of community value

## **7. Appraisal**

7.1 In assessing the acceptability of any proposal, regard must be given to policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Morpeth Neighbourhood Plan (2016) (MNP) and the Castle Morpeth District Local Plan (2003, saved policies 2007) (CMDLP). The main considerations in the assessment of this application are:

- Principle of development;
- Design and visual character;
- Residential amenity;
- Highway safety.

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises the Morpeth Neighbourhood Plan (2016) (MNP) and the Castle Morpeth District Local Plan (2003, saved policies 2007) (CMDLP). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon three criteria: the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The independent examination of the Northumberland Local Plan (NLP) has concluded, and the Inspectors' report is published on the Council's website. The Inspectors consider that subject to a number of recommended Main Modifications, the NLP is 'sound' and provides an appropriate basis for the planning of the County. The Plan is in the final stage of preparation, there are no unresolved objections, and the Plan is consistent with national policy, and therefore significant weight can be given to the policies in the NLP.

### **Principle of development**

- 7.2 Paragraph 12 of the NPPF outlines that development plans form the starting point for decision making by local planning authorities. Taking this into consideration, policies from the Morpeth Neighbourhood Plan (MNP) (made version) are given weight in so far that they accord with the provisions of the NPPF. Weight is also given to Castle Morpeth District Local Plan (CMDLP) which was made in 2003, with saved policies in 2007. Significant weight can now also be afforded to the Northumberland Local Plan.
- 7.3 Policy C1 of the CMDLP, read in conjunction with the Proposals Map, identifies settlements across the former district where development is expected to be located. The application site is located within the settlement of Morpeth, as well as an area of protected open space, however, the proposal is not for additional built form within the area and instead for the demolition of an existing building.
- 7.4 The building is identified as an asset of community value (ACV) with part 2.5 of this report noting the reason for designation. Whilst no objection or representations have been received as part of this application submission, comments against the previous prior notification recognised the building as important for community use and an asset to local residents.
- 7.5 Policy INF 4 of the draft NLP outlines that 'Proposals that involve the loss, redevelopment or change of use of any registered Assets of Community Value, or any part of that asset, will not be supported unless:
- a. alternative equivalent provision of the services and facilities provided by the asset is secured to meet community needs; or
  - b. it can be demonstrated that the continued use of the asset for its current use is no longer needed to meet community needs; or
  - c. it can be demonstrated that the continued use of the asset for its current use is no longer viable.

In applying parts 1(b) and 1(c) of this policy it will be necessary to demonstrate, with sufficient documentary evidence, that the asset has been marketed at a price reflecting its current or last use as a registered Asset of Community Value for a period of not less than six months prior to the date of submission of any planning application for its demolition, redevelopment or

change of use, and that no reasonable offers have been received to continue the current or last use of the asset'.

This policy now carries significant weight.

- 7.6 Whilst the ACV listing of a building does add a level of protection to the premises, it does not restrict the possibility of a building being demolished or redeveloped for alternative purposes. As part of this application submission, documents have been provided that demonstrate the use of the building prior to the Covid-19 pandemic was around 25% occupancy whilst quotes for essential repairs to the premises are extremely high. These figures demonstrate that it would not be financially viable for the applicant to agree to such repair costs with such a low use of the building.
- 7.7 The application documents reference that the Town Council, the applicant, has worked with existing groups who use the premises to try and find alternative arrangements in other venues. It is understood that the majority of these groups have made alternative arrangements away from Storey Park. The applicant has also undertaken a significant notification process to ensure residents are aware of the intended closure consisting of newspaper and magazine advertisements as well as public meetings.
- 7.8 Finally, the applicant has demonstrated within the application documents the provision of alternative accommodation throughout Morpeth with the majority of these buildings located within 1-2 miles of the application site.
- 7.9 Whilst the loss of an ACV is regrettable, the applicant has appropriately demonstrated that it is no longer viable for the premises to remain open and that significant costs are required to undertake essential repairs to the premises. The application demonstrates alternative accommodation within the locality whilst showing extensive consultation prior to the submission of this application. The principle of the proposed demolition is therefore acceptable.

### **Design and visual character**

- 7.10 A demolition method statement (DMS) has been provided as part of the submission and outlines the demolition procedure on site. Upon completion of the works, the land will be cleared of debris and regraded. Whilst the application site forms part of an area of protected open space, along with the adjacent football fields, the proposals would not introduce any additional built form that would reduce open space provision.

### **Residential amenity**

- 7.11 The DMS recognises the duration of work to be approximately 4 weeks and references that works will be undertaken Monday - Friday 08:00-16:30 with no weekend work unless agreed within the LPA in advance. This statement would constitute an approved document ensuring the working times are secured via this planning condition thereby minimising any impact on the nearest residential occupiers.

### **Highway safety**

- 7.12 Paragraph 111 of the NPPF states 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 7.13 Consultation was undertaken with Highways Development Management who raised no objection to the application. A transport demolition method statement has been provided by the applicant which negates the need for a pre commencement condition and secures highway safety during the demolition works on site.

### **Equality Duty**

- 7.14 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**

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

### **Human Rights Act Implications**

- 7.16 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.
- 7.17 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.
- 7.18 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.

## **8. Conclusion**

- 8.1 The application demonstrates sufficient evidence to ensure accordance with relevant local planning policies. Whilst the loss of an asset of community value is always sought to be avoided, the application demonstrates a sufficient number of similar facilities within the locality which can offer the same services to the community.
- 8.2 The application is therefore recommended for approval, subject to recommended conditions.

## **9. Recommendation**

That this application be GRANTED permission subject to the following:

### Conditions/Reason

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:-

- 1) Location plan drawing no. ALN512386-01 (received 5th October 2021)
- 2) Proposed site plan drawing no. (L)02 (received 7th October 2021)
- 3) Demolition method statement Storey Park Centre (received 5th October 2021)
- 4) Bat Survey Storey Park Morpeth September 2020 (received 5th October 2021)
- 5) Transport demolition method statement (received 18th November 2021)

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

03. During demolition, there shall be no noisy activity, i.e., noise from the demolition activities which is audible at or beyond the site boundary, on Saturdays, Sundays, or Bank Holidays or outside the hours:

Monday to Friday - 0800 to 1800,

Reason: To protect residential amenity and provide a commensurate level of protection against noise.



04. The demolition shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site have been submitted to and approved in writing by the local planning authority. The agreed scheme shall then be implemented in full before the demolition is started.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy

### **Informatives**

- 1) You should note that a highway condition survey should be carried out before the commencement of any demolition/construction vehicle movements from this site. To arrange a survey contact Highway Development Management at [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk).
- 2) Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.
- 3) In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway
- 4) All species of bat and their roosts (whether occupied or not) are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). Similarly, all wild birds and their nests are protected whilst in use and it is an offence to recklessly or intentionally destroy nests or dependent young when on or near the nest, or to kill or take them.

Applicants and contractors should note that the protected species legislation operates independently of the planning system, planning consent does not override the legislation relating to protected species and that they should be aware that there is a small chance of encountering protected species during works. Demolition works and vegetation clearance should not be undertaken during the bird breeding season (March – August inclusive) unless a checking survey by an appropriately qualified ecologist has shown active nests to be absent within the 5 days prior to the start of works.

If protected species such as bats or nesting birds are encountered during development, then works should cease immediately and professional advice should be sought straight away. Applicants and contractors can obtain advice on bats by contacting their project ecologist or telephoning the National Bat Helpline on 0345 1300 228 <https://www.bats.org.uk/advice/bat-found-during-building-works>

- 5) The applicant should ensure that nuisance is not created to neighbouring residents during the demolition work. The Council retains its rights under Section 79 of the Environment Protection Act 1990, in respect of the enforcement of Statutory nuisance.

- 6) A Public Right of Way passes close to or through the site. No action should be taken to disturb the surface, obstruct the path or in any way prevent or deter public use without the necessary legal diversion or closure Order having been made, confirmed and an alternative route provided.
- 7) Please ensure that works involving the removal of asbestos containing materials (ACMs) are carried by either a competent and experienced contractor or one licensed by the Health and Safety Executive under The Control of Asbestos Regulations 2012, unless the works are exempt under Regulation 3(2). Under the 2012 legislation, even some non-licensed works require notification to the HSE, this can be done by completing an online form available at:

<http://www.hse.gov.uk/asbestos/licensing/notifiable-non-licensed-work.htm>

The waste asbestos material (or asbestos containing material) must be disposed of by a licensed hazardous waste company. Small quantities may be removed by Northumberland County Council Waste Services if they are correctly bagged and sealed, however this will only be up to 360kg. Details are under the section entitled "prepare your hazardous waste for collection" at:

<http://www.northumberland.gov.uk/Waste/Hazardous.aspx#howtodisposeofyourhazardouswaste>

There are safety requirements for any contractor removing asbestos under the Health and Safety at Work Etc. Act, 1974. Failure to successfully treat and remove asbestos during development could result in contamination of the site which could pose a risk to future users of the site and further action and costs to remediate such contamination.

**Date of Report:** 4<sup>th</sup> February 2022

**Background Papers:** Planning application file(s) 21/03918/FUL