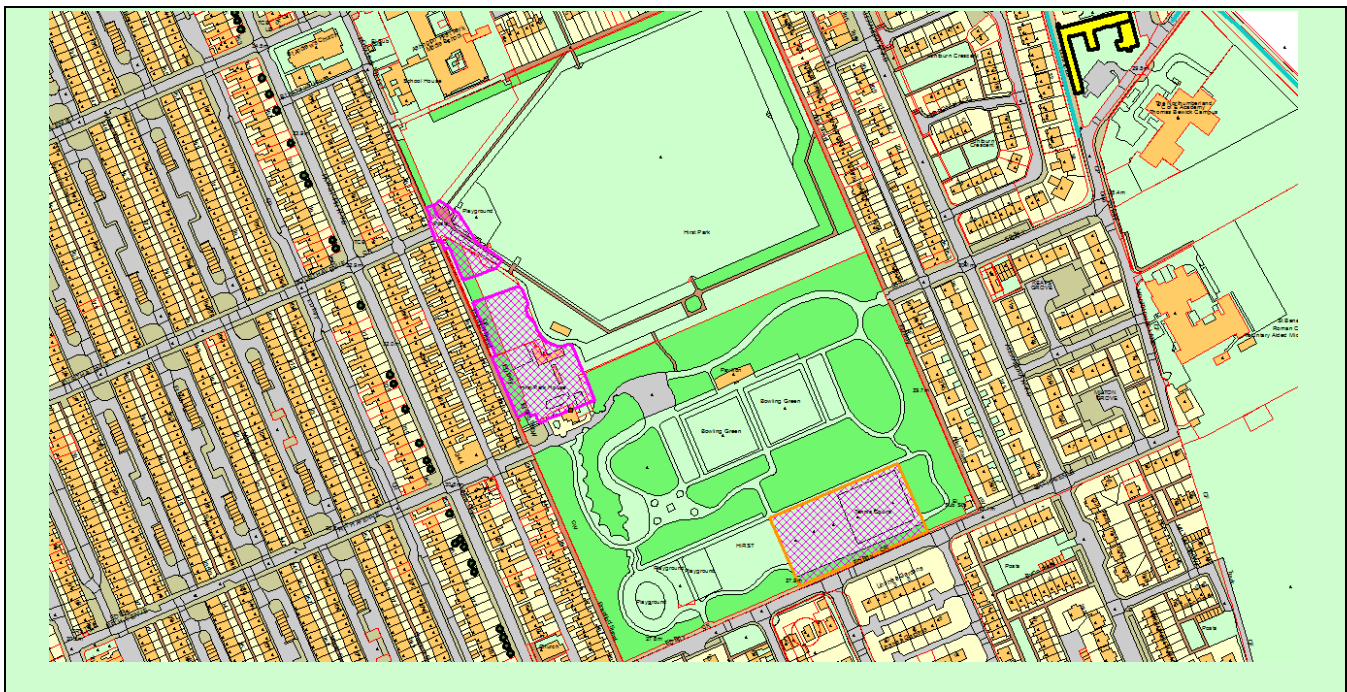




# Northumberland County Council

## ASHINGTON BLYTH LOCAL AREA COUNCIL 12 SEPTEMBER 2018

<b>Application No:</b>	18/01958/FUL		
<b>Proposal:</b>	Heritage Lottery Funded refurbishment. Area A: Fourth Avenue Entrance - new entrance feature, improvements to access and signage, reconfiguration and laying of existing block pavers, resurfacing of footpaths and introduction of 1.2m high bowtop metal fence and 2 x double gates. Area B: Growing Zone & Full Circle Development- Restore existing redundant depot buildings behind lodge house into a multi-purpose education and training room and Community Garden Development, with kitchen, toilets, a workshop, office, boot room and associated landscape and external works of polytunnel, greenhouses, shade tunnel and raised planters. Area C: Tennis Court fence realignment and new fenced Multi-Use Games Area with associated landscaping and seating area.		
<b>Site Address</b>	Hirst Park, Ashington, Northumberland, NE63 9BA		
<b>Applicant:</b>	Mr Mike Jeffrey County Hall, Morpeth, NE61 2EF,	<b>Agent:</b>	Miss Allison MacLeod 221 Durham Road, Gateshead, NE9 5AB, Tyne and Wear
<b>Ward</b>	Hirst	<b>Parish</b>	Ashington
<b>Valid Date:</b>	13 July 2018	<b>Expiry Date:</b>	7 September 2018
<b>Case Officer Details:</b>	Name: Mr Geoff Horsman Job Title: Senior Planning Officer Tel No: 01670 625553 Email: geoff.horsman@northumberland.gov.uk		



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### 1. Introduction

1.1 This application is being referred to the Local Area Council as it is a County Council application for planning permission.

## **2. Description of the Application Site & Proposal**

2.1 This application relates to Hirst Park in Ashington where the County Council are intending to undertake various improvement works with the assistance of grant assistance from the Heritage Lottery Fund.

2.2 The proposed improvement works cover the entirety of the park but a planning application is only required in respect of certain aspects of these works with many of the improvements being permitted development under the terms of the Town & Country Planning General Permitted Development Order.

2.3 This application concerns those works that do require express planning permission and relates to the three areas of the park referred to in the submitted plans as areas A, B and C.

2.4 Areas A and B lie on the north western edge of the Park adjacent to Rosalind Street.

2.5 Area A lies adjacent to the junction of Rosalind Street with Fourth Avenue and within this area permission is sought for improvements to the Fourth Avenue entrance into the park. Such improvements comprise the provision of 1.2 metre high bow top fencing and gates at this entrance which is currently unenclosed and associated hard surfacing works.

2.6 Area B lies to the south of Area A, just to the north of the junction of Rosalind Street with Fifth Avenue and the park lodge house. The area is currently fenced off from public access and contains dilapidated former depot buildings and associated open areas. Permission is sought to refurbish and extend these existing buildings and erect new structures to create a 'Growing Zone and Full Circle Development' in this area of the park that would provide a multi-purpose education and training facility and community garden to promote horticultural skills. The County Council are intending to operate this facility in partnership with Northumberland College.

2.7 In terms of the details, the existing former depot buildings would be partially demolished and other elements retained and extended to provide a single new building accommodating classroom, office, workshop and greenhouse facilities. This new building would be single storey with a pitched roof rising up to a height of 5.1 metres above ground level. External materials would comprise a mix of red brick, render and roof tiles to match the existing lodge house to the south.

2.8 To the west of this new building, two further greenhouses, a polytunnel, a number of raised beds and a composting area are proposed. To the north of the new building a further polytunnel is proposed together with a tool store building and further raised beds.

- 2.9 An existing screen of trees between the above areas and Rosalind Street would be retained.
- 2.10 The above facilities would provide a horticultural training unit ancillary to the main Northumberland College campus on College Road to the south of the park. Up to 12 students and 7 staff would be on-site at any one time. It is envisaged that sufficient car parking to service the unit is available within the existing car parking area to the immediate east bearing in mind the close proximity of the unit to the college which is only around 8 minutes walk away. As such it is intended that students would walk to the unit with only staff potentially requiring car parking space.
- 2.11 Area C lies in the south east corner of the park adjacent to Sixth Avenue. This area is currently occupied by a Multi-Use Games Area (MUGA), two unenclosed hard surface netball courts and 3 tennis courts. The existing MUGA would be retained and in the area currently occupied by the netball courts a further MUGA is proposed. The existing tennis courts area would be enclosed by new 3 metre high rebound/chainlink fencing colour coated green and the number of tennis courts within this enclosed area reduced from 3 to 2.
- 2.12 The application is accompanied by an Arboricultural Assessment, Transport Statement and structural reports re the various buildings in Area B. Documentation has also been submitted concerning ground conditions and contamination.

### **3. Planning History**

**Reference Number:** 02/00333/REG3

**Description:** New pavilion, footpath, 'teen shelter, low wall and railings along southern boundary

**Status:** Approved

**Reference Number:** 02/00334/REG3

**Description:** Allocation of triangular area of land 0.43 ha. as exclusive play area and footpath closure for Hirst Park Middle School

**Status:** Approved

**Reference Number:** 89/F/0272

**Description:** Reclamation of 0.25 hectares of derelict land to amenity open space on site of former day nursery

**Status:** Approved

**Reference Number:** 74/00134/FUL

**Description:** Erection of a sports pavillion at Hirst Park.

**Status:** Approved

**Reference Number:** 02/00333/REG3

**Description:** New pavilion, footpath, 'teen shelter, low wall and railings along southern boundary

**Status:** Approved

**Reference Number:** 02/00334/REG3

**Description:** Allocation of triangular area of land 0.43 ha. as exclusive play area and footpath closure for Hirst Park Middle School

**Status:** Approved

**Reference Number:** 02/00335/REG3

**Description:** Upgrade existing track to form vehicular access to a new car park and the re-aligning of existing/construction of new footpaths

**Status:** Approved

**Reference Number:** 97/00030/COU

**Description:** Change of use from Council Depot to architectural salvage and renovation business.

**Status:** Approved

**Reference Number:** 78/00112/FUL

**Description:** ERECTION OF A BOWLS PAVILION TO REPLACE PREVIOUS FIRE DAMAGED PAVILION

**Status:** Approved

**Reference Number:** 02/00333/REG3

**Description:** New pavilion, footpath, 'teen shelter, low wall and railings along southern boundary

**Status:** Approved

**Reference Number:** 02/00334/REG3

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**Status:** Approved

#### 4. Consultee Responses

Ashington Parish Council	No response received.
Planning Strategy	The proposals are considered to be acceptable in principle.
County Ecologist	Bat Risk Assessment Report requested.

Open Spaces South East Area	No response received.
SE Tree And Woodland Officer	No objections.
Public Protection	No objections.
Lead Local Flood Authority (LLFA)	No comments.
Highways	No response received.
Building Conservation	No response received.
Northumbrian Water Ltd	Comments awaited.
Sport England	Comments awaited.
Fire & Rescue Service	No response received.
Architectural Liaison Officer - Police	No response received.

## **5. Public Responses**

### Neighbour Notification

Number of Neighbours Notified	56
Number of Objections	0
Number of Support	0
Number of General Comments	0

Copies of all representations received are available on the Council's website.

### Notices

General site notice, 16th August 2018  
No Press Notice Required.

### Summary of Responses:

None received.

## **6. Planning Policy**

### 6.1 Development Plan Policy

Wansbeck District Local Plan 2007

- GP1 – Location of development
- GP4 – Accessibility
- GP5 – Landscape character
- GP6 – Trees and hedgerows
- GP13 – Biodiversity and wildlife networks
- GP22 – Flood risk and erosion
- GP23 – Development causing pollution and nuisance
- GP24 – Development in proximity to sources of pollution
- GP25 – Noise generating development

GP26 – Development exposed to noise  
GP30 – Visual impact of development  
GP31 – Standards of urban design  
GP32 – Standards of landscape treatment  
GP35 – Crime prevention  
T3 – Provision for cyclists  
T4 – Provision for walking  
T5 – Access for people with reduced mobility  
T6 – Traffic implications of new development  
T7 – Parking provision in new development  
REC1 – Strategically important parks and open spaces  
REC3 – Development on playing fields  
REC5 – Proposals for new outdoor sports and recreation facilities  
CF6 – Water supply and drainage

## 6.2 National Planning Policy

National Planning Policy Framework (2018)  
National Planning Practice Guidance (2018, as updated)

## 6.3 Other documents/strategies

Wansbeck Design Guide

## **7. Appraisal**

7.1 Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant development plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues raised relate to:

- Principle of development
- Impact on the character and appearance of the area
- Residential amenity impact
- Transportation matters
- Flooding and drainage
- Ecology

### **Principle of Development**

7.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for this site is comprised of the “saved” policies of the Wansbeck District Local Plan (2007). The saved policies of the Local Plan and continue to constitute the development plan and therefore remain relevant to the determination of this application. However, the weight that can be afforded to these policies varies due to their differing degree of conformity, or conflict, with the NPPF. Furthermore, paragraph 11 of the NPPF provides definitive guidance on how applications should be determined by stating:

*Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:*

*approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 7.3 The application site lies within the settlement boundary for Ashington as defined on the Wansbeck District Local Plan Proposals Maps. Policy GP1 of the Plan states that development on greenfield sites within settlement limits will only be permitted if the site is allocated for development or it can be demonstrated that the development will meet an identified and justified need and no suitable alternative previously-developed site is available.
- 7.4 Hirst Park is shown on the Local Plan Proposals Map as a strategically important park/open space. Policy REC1 relating to such areas states that permission will not be granted for development unless the predominantly open character of the area is maintained and the development is incidental and beneficial to the recreational or amenity use of the land.
- 7.5 Policy REC3 relating to playing fields states that planning permission for developments on playing fields will not be permitted unless:
- a) The proposed development is ancillary to the use of the site as a playing field and the quantity or quality of facilities and their use is not adversely affected; or
  - b) Alternative playing field provision of equivalent or better quantity and quality is provided in a suitable location prior to the commencement of development; or
  - c) The proposed development is for another indoor or outdoor facility, the benefit of which would outweigh the loss of the existing facility; or
  - d) An open space assessment has been undertaken which demonstrates that the proposal will not result in a deficiency of playing fields or any other form of open space now or in the foreseeable future.
- 7.6 Policy REC5 states that development which will improve provision for outdoor sports and recreation will be permitted on sites within settlement limits provided that the facility will be accessible by a choice of means of transport.
- 7.7 In terms of the new 2018 NPPF **paragraph 91** supports proposals which aim to achieve healthy, inclusive and safe places which promote social interaction; are safe and accessible, and; enable and support healthy lifestyles. **Paragraph 92** calls for planning positively for the provision and use of shared community spaces which enhance the sustainability of communities and



residential environments and also improve health and social well-being for all sections of the community. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, as outlined in **paragraph 96**. If the development outlined in the proposal on existing recreational space is for alternative sports and recreational provision - the benefits of which clearly outweigh the loss of the current or former use - then **paragraph 97** is supportive in principle.

- 7.8 The proposals would significantly improve the quality of outdoor sport and recreational facilities available to the local community within the park. The proposed works in Area A would provide for better security at the Fourth Avenue entrance through the introduction of fencing and gates and the related hard surfacing works would provide for clearer demarcation between pedestrians and vehicles using this entrance to access a car parking area further into Hirst Park. The children's play area to the immediate east of the Area A works would be unaffected.
- 7.9 The land to which the Area B works relate is a former depot area which is not at present accessible to the public. The 'Growing Zone and Full Circle Development' to be provided within this area would provide for greater public access than is the case at present as well as providing an education facility to train individuals in the horticultural skills needed to continue maintaining the park and other open spaces.
- 7.10 In terms of the Area C works, it is proposed that two of the existing six playing pitches (i.e. 1 tennis court and 1 netball court) would be lost. However, the quality of the remaining tennis courts would be improved through the provision of new fencing and an additional Multi-Use Games Area (MUGA) would be provided. As such it is considered that the alternative proposed playing pitch provision whilst being of lesser quantity than is currently in existence would be of better quality and greater benefit in terms of the range of sports that could be catered for and build quality. Therefore the proposals are considered to be in accordance with Local Plan Policy REC3 and the NPPF in this regard. However, comments are awaited from Sport England regarding this matter and an update will be provided at committee.
- 7.11 Bringing matters together, Hirst Park is a significant recreational resource for the local community and is also of historical significance. It is considered overall that these proposals, which form part of a wider Heritage Lottery funded initiative, will revitalise the park and are therefore to be supported and are considered to accord with the Development Plan and NPPF in terms of the principle of development subject to no objections from Sport England in respect of the works within Area C.

### **Impact on Character and Appearance of the Area**

- 7.12 Policy GP5 of the Wansbeck District Local Plan states that development must respect the character of the District's landscape. Proposals will be assessed in terms of: a) the siting, scale and design of buildings and materials; and b) the effect on distant views Development which would have an adverse effect on the character or appearance of those areas which contribute most to the quality and distinctiveness of the local landscape will not be permitted. Such

areas will include: a) the coast b) the valley of the River Blyth c) the valley of the River Wansbeck d) the valleys of the Willow Burn and Sleek Burn.

- 7.13 Policy GP6 states that the authority will seek to protect trees, woodlands and hedgerows in the District and will encourage new planting, particularly of native species. Tree Preservation Orders will be made to protect trees of value judged to be at risk. When planning permission is granted for development, conditions will be applied or planning agreements entered into to secure the protection of existing trees or hedgerows of value on the site and to secure and maintain new planting. Development which would result in the loss of healthy trees which make an important contribution to the quality of the environment will not be permitted unless there are overriding social or economic benefits to the community and compensatory off-site provision of landscape infrastructure is made. Healthy trees lost as a consequence of development shall be replaced with trees of an equivalent standard.
- 7.14 Policy GP30 advises that all proposed development will be assessed in terms of its visual impact. Developments which in visual terms would cause significant harm to the character or quality of the surrounding environment will be refused.
- 7.15 Policy GP31 states that when considering any proposed development the authority will require high standards of urban design to a) promote character in townscape and landscape and establish local identity; b) clearly define public and private spaces; c) encourage accessibility; d) make places with a clear image that is easy to understand, by providing recognizable routes, intersections and landmarks; e) encourage adaptability through development that can respond to changing social, technological and economic conditions; and f) promote diversity and choice through a mix of compatible developments and uses that work together to create viable places that respond to local needs
- 7.16 Policy GP32 requires developers to incorporate a high standard of landscape treatment in their developments. When submitting their planning applications, developers will be required to demonstrate that: a) any existing landscape features of value including trees, shrubs, hedgerows and ponds, will be retained, protected and used to advantage as part of the development; b) new landscape features will be introduced which enhance the visual quality of the development, reduce its impact and provide habitat for the district's wildlife; c) new landscape features to be introduced will be appropriate to the use and character of the development and its location; d) opportunities to create new public spaces and improve existing ones have been considered; and e) arrangements will be made for the future management and maintenance of all landscaped areas, whether public or private.
- 7.17 Policy GP35 states that Development proposals will be expected to have regard to the objectives of 'planning out crime' through the incorporation of measures such as: promotion of mixed use development and other schemes that increase the range of activities that maximize the opportunities for surveillance; maximizing the amount of defensible space which is controlled, or perceived to be controlled, by occupiers and a high standard of street lighting.

- 7.18 These Local Plan Policies align with the NPPF which likewise promotes high quality design.
- 7.19 Overall it is considered that the proposals for Areas A, B and C would improve the visual appearance of those areas. Area B in particular is currently of poor quality in visual terms given the dilapidated former depot buildings within this area of the park and the proposed 'Growing Zone and Full Circle Development' in this area would significantly improve its visual appearance.
- 7.20 In terms of soft landscaping, no existing trees are directly affected by the proposed works and all existing trees adjacent to Areas A, B and C would be retained. In this regard the Council's Tree Officer raises no objections. Furthermore, additional tree planting and other soft landscaping is proposed in these areas to further enhance their visual appearance.
- 7.21 Overall in terms of appearance and impact on the character of the area the proposals would therefore be in accordance with the Wansbeck District Local Plan and the NPPF.

### **Residential Amenity Impact**

- 7.22 There are a number of residential properties sited immediately adjacent to the site.
- 7.23 Properties on Rosalind Street to the west of Areas A and B have front elevations facing directly onto the park with only a footway between the boundaries to the front gardens of these properties and the park boundary. In terms of Area C, there are dwellings to the south on the opposite side of Sixth Avenue from the park.
- 7.24 Policy GP23 of the Local Plan states that when determining planning applications, the authority will consider whether a proposed development has the potential to cause pollution or nuisance. Planning permission will not be granted for development liable to cause significant harm to either: a) human health and safety b) the amenity of local residents and other land users or c) the quality and enjoyment of all aspects of the environment
- 7.25 Policy GP24 states that when determining planning applications for development within the proximity of an existing or approved source of pollution, the authority will take into account the following factors: a) the impact of the polluting activity on the health of users of the proposed development; b) the standard of amenity likely to be enjoyed by the users of the proposed development; c) whether the proposed development has particular sensitivities to pollution; d) the additional costs or other constraints which may be imposed on the polluting use as a result of permitting the proposed development; and e) whether any potential conflict can be resolved by the use of planning conditions or obligations. If after having considered the above factors the authority considers that the uses cannot reasonably co-exist, the proposed development will not be permitted
- 7.26 Policy GP25 advises that when determining planning applications, the authority will consider the levels and characteristics of any noise which may

be generated as a result of permitting the development. The likely impact will be assessed in terms of the following: a) any disturbance to people living in the area; b) any disturbance to other noise-sensitive uses such as hospitals, schools, colleges, offices and community buildings; c) any effect on people's enjoyment of the outdoor environment including gardens, parks, the coast and the countryside; d) any disturbance to wildlife or livestock and e) whether any potential conflict can be resolved by the use of planning conditions or obligations. Proposals which would cause significant harm in terms of the above criteria will be refused.

- 7.27 Finally Policy GP26 states that when determining planning applications for development which could be exposed to an existing or potential source of noise, the authority will consider the following: a) the level and characteristics of the noise from existing activity; and b) whether the proposed use is particularly sensitive to noise. If after considering the above factors the authority concludes that the proposed development would not be compatible with the existing activity, the proposals will not be permitted.
- 7.28 Turning firstly to the matter of noise pollution generally, it is not considered that significant harm would be caused to existing residents from the proposals. In terms of the proposed works in Areas A and C, these essentially comprise the improvement of park facilities and features that are already present in those areas and therefore it is not envisaged that noise levels would be any greater than is the case at present.
- 7.29 New buildings and activity is proposed in Area B within the proposed 'Growing Zone and Full Circle Development'. However, this replaces former depot buildings that are present in this areas of the Park and the proposed main building would be over 30 metres from the front elevations of the neighbouring dwellings on Rosalind Street with the various greenhouses and raised beds to the west of the main building being at least 20 metres from those front elevations. Furthermore, it is proposed that the 'Growing Zone and Full Circle Development' area would operate during day-time hours only between 8.30am and 6pm.
- 7.30 Overall the Council's Public Protection team raise no objections on noise pollution grounds.
- 7.31 Matters relating to nuisance during construction works could be addressed by means of a condition requiring submission and implementation of a Construction Environment Management Plan.
- 7.32 Given the separation distances between the proposed improvement works, their small scale in height terms and the retention of existing tree planting to the west and south boundaries of the park adjacent to Areas A to C it is not considered that significant harm would be caused to nearby residents in terms of overlooking, loss of daylight/sunlight or visual intrusion.

### **Transportation Matters**

- 7.33 Policy GP4 of the Wansbeck District Local Plan states that new development should be located to reduce the need to travel and to minimise journey length.

It should be accessible to all users by a choice of means of transport including buses, walking and cycling.

- 7.34 Policy T3 states that improved facilities for cycling in the District will be sought. Cyclists will be provided for as part of highway and traffic management schemes and by developers as part of new developments. Provision will include the development of safe and convenient routes and cycle parking facilities. Developers will be required as a condition of planning permission to provide cycle parking as part of their developments.
- 7.35 Policy T4 advises that measures to assist and encourage walking will be sought including the development of a comprehensive network of footpaths and footways. Developers will be required to provide safe, convenient and pleasant routes for pedestrians.
- 7.36 Policy T6 states that when planning applications are determined, the volume and character of traffic likely to be generated by and attracted to the proposed development will be considered. Proposals will only be permitted if: a) the existing highway network is adequate to cope with any additional traffic resulting from the development or necessary improvement works will be carried out before the development goes ahead; b) the proposed arrangements for access and egress will allow the safe and efficient movement of vehicles; c) internal circulation arrangements will be able to absorb vehicular traffic entering the site without queues forming on existing roads and will include measures to achieve safe traffic speeds; and d) adequate provision is made, in terms of safety and operating efficiency, for servicing and deliveries and for other heavy vehicles such as buses and emergency vehicles. A Transport Assessment, including a travel plan and an assessment of accessibility where appropriate, will be required to be submitted with proposals for development that will have significant transport implications.
- 7.37 Policy T5 advises that an environment which is accessible to all will be sought. Developers will be required to make appropriate provision for those with reduced mobility as part of their developments.
- 7.38 Finally Policy T7 of the Local Plan states that developers should make appropriate provision in their developments for the parking of motor vehicles and motorcycles. The appropriateness of proposed provision will be assessed in terms of the following: a) the scale and type of development; b) accessibility by public transport, on foot and by cycle; c) the potential for road safety and environmental problems as a result of increased parking demand in the area; d) the extent and nature of any parking restrictions in force on highways in the area; and e) county-wide maximum parking standards as set out in Appendix T3 (or any local standards published in a future Supplementary Planning Document).
- 7.39 The application is accompanied by a Transport Statement. The document appraises the impact of the proposed development and includes an assessment of matters such as the accessibility of the development; trip generation and highway safety. It is submitted that the proposals would not result in a significant increase in vehicles entering the park. In this regard no

additional buildings or intensification in the level of facilities provision is proposed for Areas A and C. Whilst a new building and activity is proposed within the Area B 'Growing Zone and Full Circle Development', it is envisaged that as a maximum this would accommodate up to 12 students and 7 staff at any one time. Given that the training facilities would be ancillary to the main Northumberland College campus to the south of the park, students would be travelling to the facility on foot or cycle and in terms of car parking for staff there is considered to be sufficient capacity within the existing car park to the east of Area B. It is considered that the works in Area A would improve highway safety by providing for better segregation between vehicles and pedestrians.

- 7.40 With regard to public transport provision, there are bus stops in the vicinity of the park on Alexandra Road and Hawthorn Road and given the location of the park within the heart of Ashington it is accessible on foot or by cycle. Given the above, the application site is considered to be accessible by a choice of means of transport.
- 7.41 Moving onto the matters of parking for both cars and cycles, detailed standards are laid down in Appendices T2 and T3 of the Wansbeck District Local Plan. These require at least 1 cycle parking space per 5 students for education establishments and 1 per 20 patrons for sports facilities. In terms of car parking the requirement in a location such as this which is accessible by a choice of means of transport would be 1 space per 2 lecturers or 5 staff and 1 space per 10 students for colleges. There is no car parking standard for sports facilities. No additional car parking is proposed specifically in respect of the works within Areas A to C. However, there are existing car parking facilities available within the park including a large car parking area to the immediate east of the Area B 'Growing Zone and Full Circle Development'. As such it is considered that any additional car parking generated could be accommodated within these existing car parking areas. Cycle parking could be secured by condition.
- 7.42 The proposed buildings within the 'Growing Zone and Full Circle Development' would be accessible to disabled persons.
- 7.43 The comments of the Council as Local Highway Authority (LHA) are awaited and an update will be provided at committee regarding these. As such, bearing in mind all of the above, it is considered that the proposals are acceptable on transportation grounds subject to no objections from the LHA.

### **Drainage and Flooding**

- 7.44 Policy GP22 of the Wansbeck District Local Plan states that developers are required to consider the risk to their development from flooding and erosion and to consider any possible effect of their development on flood risk or erosion elsewhere. Development in areas of flood risk will not be permitted unless a flood risk assessment has been carried out and it can be demonstrated that: a) there is no reasonable alternative development option available which would involve no risk or a lower risk of flooding; b) the development does not increase the risk of flooding elsewhere; and c) satisfactory protection measures can be carried out at the expense of the developer and maintained for the lifetime of the development.

- 7.45 Policy CF6 continues by stating that when considering all development proposals, the authority will take into account the availability of water supply, surface water drainage and sewage disposal facilities. Development will only be permitted if adequate services can be provided prior to occupation and without harm to the environment and existing uses. Sustainable drainage systems to control and manage surface water run-off should be incorporated into new development schemes. Proposals for the long term maintenance and management of such systems should be established at the planning application stage.
- 7.46 The NPPF advises that development should be directed towards areas at lowest risk from flooding and that Local Planning Authorities should ensure that development does not increase flood risk elsewhere.
- 7.47 The application site lies wholly within Flood Zone 1 and therefore risk of flooding on the site is not considered to be high.
- 7.48 After reviewing the applicant's submitted information the Council's LLFA team raise no objections. Comments are awaited from Northumbrian Water and an update will be provided at committee regarding these.
- 7.49 Overall, subject to no objections from Northumbrian Water, the proposals would be acceptable in relation to drainage, flood risk and foul sewage and would be in accordance with the Wansbeck District Local Plan, the emerging Core Strategy and the NPPF.

### **Ecology**

- 7.50 Policy GP13 states that the value to biodiversity of all sites proposed for development will be considered when planning applications are determined whether or not they are designated sites. Particular importance will be attached to the protection of priority habitats and species in Wansbeck. Where proposals affect a habitat which contributes, or could potentially contribute, to a network of natural habitats the developer will be required to protect and enhance the network.
- 7.51 The NPPF likewise seeks to conserve and enhance biodiversity and sets out that assessment of potential impacts from development should be undertaken.
- 7.52 Having considered the proposals, the only matter raised by the Council's Ecologist relates to the checking of the existing former depot buildings in Area B for bats. The submission of survey work undertaken by the applicant in this regard is currently awaited and will be considered by the Council's Ecologist upon receipt. An update will be provided in this regard at committee.

### **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 are considered acceptable in relation to crime and disorder in that the improvements to Areas A to C would enhance community safety through the provision of better means of enclosure and the clearer separation of pedestrians and vehicles in Area A, the introduction of activity into a currently dilapidated Area B and the provision of better enclosure to sports facilities in Area C.

### 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.

## **8. Conclusion**

Overall the proposals comprise part of a wider project which has the potential to revitalise this key public park in the heart of Ashington and are therefore acceptable in principle subject to no objections being raised by Sport England regarding the proposals in respect of Area C. The proposals are also acceptable in terms of their impact on the character and appearance of the area and the amenities of nearby residents. Subject to no objections from the Council as Local Highway Authority, Northumbrian Water and the Council's Ecologist the proposals are also considered acceptable in respect of transportation matters, flooding/drainage and ecology.

## **9. Recommendation**



Subject to no objections from Sport England, the Council as Local Highway Authority, Northumbrian Water and the Council's Ecologist, that this application be GRANTED permission subject to the following conditions:

### 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 and documents. The approved plans and documents are:-

1071\_501A Location Plan  
1071\_100B Masterplan-Proposals

#### Area A

1071\_208 Fourth Avenue Entrance - Detailed Proposal  
1071\_J804016 Construction Details Gates  
SG\_J804020 Bow Top Fence Detail

#### Area B

1628 100\_01A Proposed Site Plan  
1628 100\_02A Proposed Plans  
1628 200\_01 North East and South West Elevation  
1628 200\_02 South East and North West Elevation  
1071\_507 External Horticultural Buildings to Growing Zone and Full Circle Outline specification Summary.

#### Area C

1071\_506A Context Plan & Tennis Court Elevations

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans and documents in accordance with the National Planning Policy Framework.

03. Development shall not commence in an Area until a Construction Method Statement in respect of that Area has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period in that Area.

The Construction Method Statement shall, where applicable, provide for:

- a) details of temporary traffic management measures, temporary access, routes and vehicles;
- b) vehicle cleaning facilities;
- c) the parking of vehicles of site operatives and visitors;
- d) the loading and unloading of plant and materials;
- e) storage of plant and materials used in constructing the development;
- f) measures to control the emission of dust and dirt;

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

04. The facing and roofing materials to be used in the construction of the approved buildings in Area B shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with Policies GP30 and GP31 of the Wansbeck District Local Plan.

05 No development shall commence in an Area until full details of soft landscape works in that Area have been submitted to and approved in writing by the Local Planning Authority. This shall include the planting of locally native trees, shrubs, grasses and/or wildflowers of local provenance. The approved works shall be implemented in full within the first planting season following substantial completion of the development in that Area. Any soft landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years of planting shall be replaced within the next planting season with soft landscaping of a similar size and species to that which it is replacing.

Reason: In the interests of visual amenity and biodiversity in accordance with Policies GP13 and GP32 of the Wansbeck District Local Plan.

06 The development hereby permitted in Area B shall not be occupied unless and until cycle parking in respect of that Area has been provided in full accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter such cycle parking shall remain in place at all times.

Reason: In the interests of sustainable travel choices in accordance with Policy T3 of the Wansbeck District Local Plan.

07. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 and the Town & Country Planning Use Classes Order 1987 as amended (or any order revoking and re-enacting those Orders with or without modification) the buildings within Area B the subject of this permission shall not be used other than for education purposes and purposes ancillary to such use without the prior grant of planning permission from the Local Planning Authority.

Reason: To ensure that the use remains compatible with surrounding land uses in the area and in accordance with Policy GP23 of the Wansbeck District Local Plan.

**Background Papers:** Planning application file(s) 18/01958/FUL

