

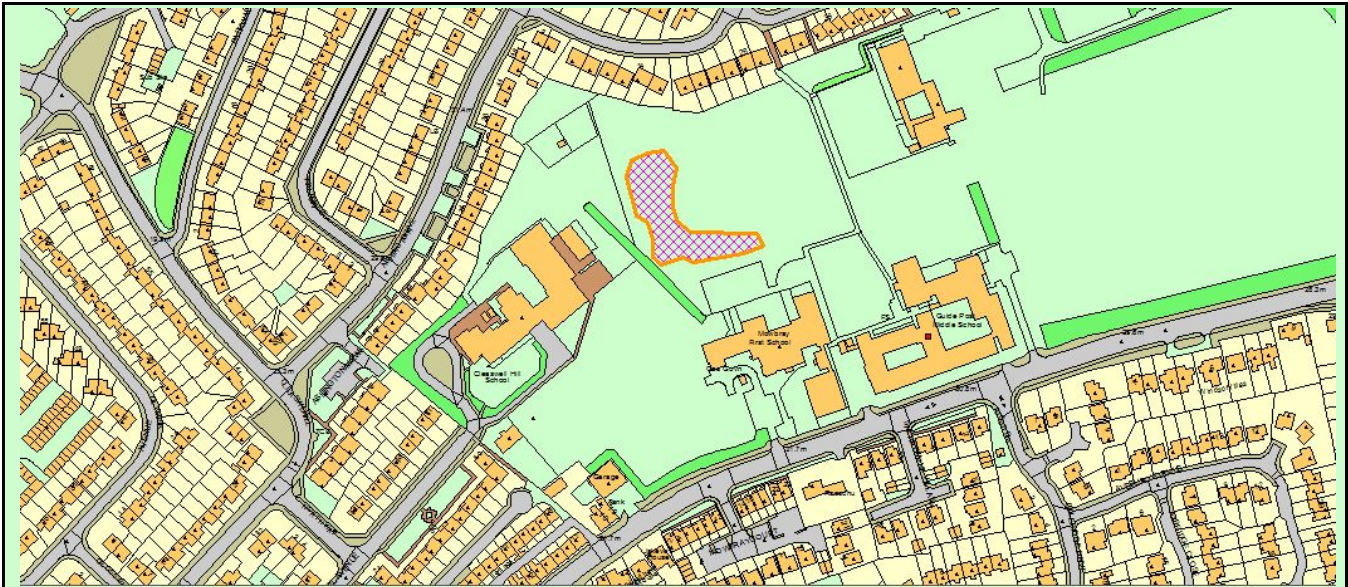


Northumberland County Council

Castle Morpeth Local Area Council Planning Committee 10th June 2019

Application No:	19/00875/CCD		
Proposal:	Installation of multi use cycle track on edge of School playing field.		
Site Address	Mowbray Primary School , Stakeford Lane, Stakeford, NE62 5HQ		
Applicant:	Mr Wills Thorneyford Farm, Space4Learning, Kirkley, Ponteland NE20 0AJ	Agent:	Mr David Walton The New Inn Studios, Bridge St, Blaydon-on-Tyne NE21 4JJ
Ward	Choppington	Parish	Choppington
Valid Date:	19 March 2019	Expiry Date:	14 May 2019
Case Officer Details:	Name: Mr Jon Sharp Job Title: Planning Officer Tel No: 01670 623628 Email: Jon.Sharp@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



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1. Introduction

1.1 This application falls to be determined by the Castle Morpeth Local Area Council planning committee as it is a County Council Development. It is being recommended for approval.

2. Description of the Proposals

2.1 Planning permission is sought for the installation of a multi use cycle track within the grounds of Mowbray Primary School, Stakeford Lane, Stakeford.

2.2 The proposed cycle track is intended to provide a location to encourage walking and cycling amongst pupils as part of the school day. It would also provide a dedicated space for initiatives such as the Daily Mile and after school club provision. The proposed track would occupy an area of approximately 0.18ha and would be for school use only.

2.3 The application site is located within a predominantly residential area and is bound to the north by residential development, school buildings to the south, Cleaswell Hill school to the west and playing fields to the east. Access to the site would remain as existing from Stakeford Lane which forms the southern boundary of the school site.

3. Planning History

Reference Number: C/79/F/270

Description: Construction of replacement buildings on 5.39 ha

Status: Permitted

Reference Number: C/03/00063/CCD

Description: Construction of extension to car park

Status: Permitted

Reference Number: 03/00160/NCCCON

Description: Construction of extension to car park.

Status: No Objection

Reference Number: C/04/00169/CCD

Description: Extension to Secretary/Head's office and erection of fencing

Status: Permitted

Reference Number: 87/00020/039OTH

Description: Renewal of permission for a temporary mobile classroom - 82/316

Status: Permitted

Reference Number: C/07/00097/CCD

Description: Construction of flat roof extension to provide accessible WC and shower facilities.

Status: Permitted

Reference Number: C/08/00159/CCD

Description: Construction of a single storey extension to provide additional administration and meeting rooms

Status: Permitted

Reference Number: C/11/00014/CCD

Description: Alterations to access and replacement of existing fence and wall with 1.8m high fence

Status: Permitted

Reference Number: 14/00529/CCD

Description: New main entrance to school site

Status: Permitted

4. Consultee Responses

Choppington Ward	No response received.
County Ecologist	No comment
Education - Schools	No response received.
Highways	No issues arising. Informatives recommended
Sport England	Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF.
Sport England (reconsult)	The new layout provided shows the location of the cycle track in relation to the existing playing fields. The new drawing provided confirms that the proposals only marginally encroach onto the usable playing field area and do not result in the loss of playing field capacity. Therefore, Sport England is satisfied that the proposed development meets exception 3 of our playing fields policy. This being the case, Sport England does not wish to raise an objection to this application.
Strategic Estates	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	24
Number of Objections	0
Number of Support	0
Number of General Comments	0

Notices

No Site Notice Required.

No Press Notice Required.

Summary of Responses:

None received

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=POAOZMQSMMD00>

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
GP30 Visual impact of development
GP31 Standards of urban design
REC2 Protection of non-strategic open spaces
REC3 Development on playing fields
T6 Traffic implications of new development
T7 Parking provision in new development

6.2 National Planning Policy

National Planning Policy Framework (2019)

Planning Practice Guidance (2018, as updated)

6.3 Emerging Planning Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019, updated February 2019)

STP1 Spatial Strategy
QOP1 Design Principles
QOP2 Good Design and Amenity
TRA1 Promoting Sustainable Connections
TRA2 Effects of Development on the Transport Network
TRA4 Parking Provision in New Development
ENV1 Approaches in Assessing the Impact of Development
ENV2 Biodiversity and Geodiversity

6.4 Other Documents/Strategies

None relevant

7. Appraisal

7.1 The application has been assessed against national planning policy and guidance, development plan policies, other material planning considerations and the advice of statutory consultees. In assessing the application the key considerations are;

Principle of development,
Emerging policy,
Scale, design and visual impact,
Open Space,
Residential amenity,
Highways, and
Ecology.

Principle of the development

7.2 The National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved without delay, unless material considerations indicate otherwise. This forms the basis of the Framework's presumption in favour of sustainable development. Applications for new development should be considered in the context of this presumption in favour of sustainable development.

7.3 Paragraph 213 of the NPPF advises that weight should be given to relevant policies in existing plans according to the degree of consistency with the NPPF i.e. the closer a policy in a local plan accords with the NPPF, the greater the weight that may be given to them. The adopted development plan for the area the application site is located in comprises the policies of the Wansbeck District Local Plan (2007) (WDLP). The Local Plan policies referred to in this report are considered to be in accordance with the NPPF and can therefore be given due weight.

7.4 Policy GP1 of the WDLP states that provided proposals for development are in accordance with other policies of the Plan, development on greenfield sites within settlement limits will only be permitted if:

- a) the site is allocated for development; or
- b) it can be demonstrated that the development will meet an identified and justified need and no suitable alternative previously-developed site is available.

7.5 As the application relates to an existing school site which is within the defined settlement of Stakeford and the proposal would meet an identified need, the principle of the proposal is considered acceptable in this respect

Emerging Policy

7.6 Paragraph 48 of the NPPF states that weight may also be given to the policies in emerging plans, depending on the stage of preparation of the plan, the extent to which emerging policy aligns with the NPPF and the extent of unresolved objections to the emerging plan.

7.7 The emerging Northumberland Local Plan - Publication Draft Plan (Reg 19) (NLP) was published for consultation on 30th Jan 2019. The policies contained within this document carry some weight in the determination of planning applications at this stage. Policy STP1 of the emerging NLP seeks to deliver sustainable development which enhances the vitality of communities across Northumberland, supports economic growth, and which conserves and enhances the County's unique environmental assets. Stakeford (together with Guide Post and Choppington) is identified in the emerging plan as a Service Centre which provide important services for both residents and communities within neighbouring areas.

Scale, Design & Visual Impact

7.8 Policy GP30 of the WDLP states that all proposed development will be assessed in terms of its visual impact and that development which may cause significant harm to the character or quality of the surrounding environment will be refused. Policy GP5

of the same document seeks to ensure that development reflects the character or appearance of the local landscape. Meanwhile, Policy GP31 encourages high quality design in all development.

7.9 Paragraph 124 of the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.10 The proposed works would be modest in scale and would be in keeping with the school setting and its surroundings. It is therefore considered that the proposal is acceptable in terms of its scale, design and appearance and is in accordance with Policies GP5, GP30 and GP31 of the WDLP and the NPPF in this respect.

7.11 Policy QOP1 of the emerging Northumberland Local Plan (NLP) echoes this and seeks to support development which respects its surroundings. Policy ENV1 of the same document states that the character and significance of Northumberland's distinctive and valued natural, historic and built environments, will be conserved, protected and enhanced by taking an ecosystem approach to understanding the significance and sensitivity of the natural resource. Meanwhile Policy ENV3 states that proposals affecting the character of the landscape will be expected to conserve and enhance important elements of that character. The proposal is considered to be in general accordance with these policies, however little weight can be attributed to them at this time.

Open Space

7.12 Policy REC2 of the WDLP seeks to ensure that development proposals on open spaces are approved only where there would be no significant loss to the community in terms of visual amenity, play/recreation provision, nature conservation or use for community events. Policy REC3 of the same document states that planning permission for developments on playing fields will not be permitted unless 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.

7.13 The proposed cycle track would be constructed on marginal ground which is not currently used as playing pitches due to it being damp and boggy. Consequently no areas of playing pitch would be lost. In addition to the cycle track the proposal intends to provide a properly laid out pitch that is appropriate to the school, as well as an ancillary pitch and on this basis it is considered that the cycle track would not adversely affect the existing provision. It is therefore considered that the proposal is in accordance with policies REC2 and REC3 of the WDLP.

Residential Amenity

7.14 Paragraph 127 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.15 Due to the site location, it is considered that there would not be any substantive impacts on amenity resulting from the proposal in terms of loss of light, outlook or privacy. As such the proposal is considered to be in accordance with the NPPF in this respect.

7.16 Policy QOP2 of the emerging NLP seeks to ensure that development would not result in unacceptable adverse impacts on the amenity of neighbouring land uses. It is considered that the proposal is in accordance with this, however little weight can currently be given to this policy.

Highways

7.17 Policy GP4 of the WDLP states that new development should be located to reduce the need to travel and to minimise journey length. Policies T6 and T7 of the same document seek to ensure that the impacts of development upon the highway network and associated parking provision are acceptable.

7.18 Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.19 The Local Highway Authority has responded to consultation raising no objections to the proposals subject to the informatives recommended below. It is therefore considered that the proposals are acceptable and in accordance with highways policy.

7.20 Policies TRA1 and TRA2 of the emerging NLP seek to ensure that development does not have a negative impact upon the transport network. It is considered that the proposal is in accordance with this, however little weight can currently be given to this policy.

Ecology

7.21 Policy GP6 of the WDLP seeks to protect trees, woodlands and hedgerows in the former district and encourages new planting, particularly of native species.

7.22 Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural environment based on detailed principles.

7.23 The County Ecologist has responded to consultation offering no comments. It is noted that the proposal does not seek to remove any of the trees within the school grounds and that it will in fact improve access to the area in which the school currently runs its "Forest School". On this basis it is considered that the proposal is in accordance with Policy GP6 of the WDLP and paragraph 170 of the NPPF.

7.24 Policy ENV2 of the emerging Local Plan relates to ecology and seeks to ensure that development proposals will minimise their impact upon and secure net gains for biodiversity. The proposal is considered to be in accordance with this, however little weight can currently be given to this policy.

Equality Duty

7.25 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

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

Human Rights Act Implications

7.27 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.

7.28 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.

7.29 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 It is considered that the proposal is appropriate in relation to the host property and represents an appropriate form of development that would not have a significant adverse impact on the appearance of the property, the street scene or the amenity of nearby residents. It is therefore considered that the proposal is in accordance with national and local planning policies and accordingly it would be unreasonable to withhold planning permission.

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. Approved Plans

The development hereby permitted shall not be carried out other than in complete accordance with the following approved plans:

1. Location Plan;
2. Drawing No. VEC170 - Site Plan as Proposed.

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

Date of Report: 03.05.2019

Background Papers: Planning application file(s) 19/00875/CCD