

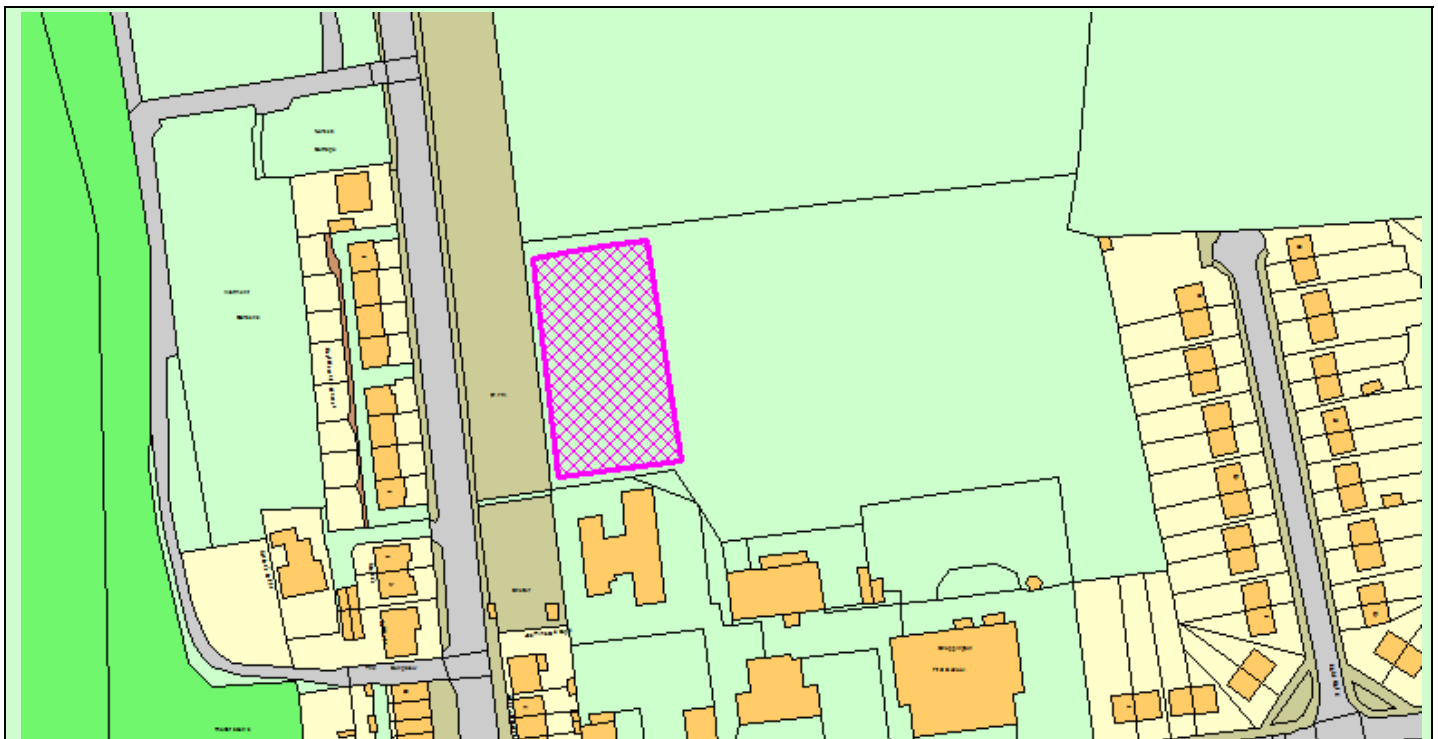


# Northumberland County Council

## Castle Morpeth Local Area Council 8<sup>th</sup> July 2019

<b>Application No:</b>	19/00497/CCD		
<b>Proposal:</b>	Proposed Installation of Cycle Track on School Playing Field		
<b>Site Address</b>	Choppington Primary School , Eastgate, Scotland Gate, Choppington Northumberland, NE62 5RR		
<b>Applicant:</b>	Mr Wills Thorneyford Farm, Kirkley	<b>Agent:</b>	Mr David Walton The New Inn Studios, Bridge St, Blaydon-on-Tyne, NE21 4JJ
<b>Ward</b>	Choppington	<b>Parish</b>	Choppington
<b>Valid Date:</b>	1 March 2019	<b>Expiry Date:</b>	26 April 2019
<b>Case Officer Details:</b>	Name: Mr Ryan Soulsby Job Title: Planning Officer Tel No: 01670 622627 Email: Ryan.Soulsby@northumberland.gov.uk		

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



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## 1. Introduction

- 1.1 Under the provisions of the Council's current Scheme of Delegation, this application is being reported to the Castle Morpeth Local Area Council as it involves a County Council development on Council owned land.

## 2. Description of the Proposals

- 2.1 Planning permission is sought for the creation of a 300 metre multi use cycle track on land to the rear of Choppington Primary School, Choppington.
- 2.2 The multi use track would provide a valuable all weather and all season sports facility for running, walking and cycling whilst making use of an unused part of the playing field.
- 2.3 The proposed track would be formed with stripped turf and excavated soil to form the verges and stabilise path edges with a path surface created with crushed dolomite installed 0.75mm above ground level.
- 2.4 An amended proposal was submitted to the local planning authority on 14<sup>th</sup> May 2019 following initial concerns being raised by Sport England. It is these amended plans that will be considered within the below appraisal.

## 3. Planning History

**Reference Number:** 02/00330/REG3

**Description:** Change of use from part of school (Use D1) to Community Facility (Use D2) and construction of disabled access ramp

**Status:** Permitted

**Reference Number:** 03/00389/REG3

**Description:** Environmental improvements

**Status:** Permitted

**Reference Number:** 03/00475/NCCCON

**Description:** Construction of modular buildings, car park access and hard play area

**Status:** Permitted

**Reference Number:** C/04/00196/CCD

**Description:** Provision of canopies to existing Sure Start Nursery

**Status:** Permitted

**Reference Number:** 04/00316/FUL

**Description:** New access road and footpath

**Status:** Permitted

**Reference Number:** C/05/00068/CCD

**Description:** Construction of extension

**Status:** Permitted

## 4. Consultee Responses

Choppington Parish Council	No response received.
Public Protection	No comment.
Strategic Estates	No response received.
Education - Schools	No response received.
Sport England	No objection.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	28
Number of Objections	0
Number of Support	0
Number of General Comments	0

### Notices

General site notice, 11<sup>th</sup> March 2019  
No Press Notice Required.

### Summary of Responses:

None received

## 6. Planning Policy

### 6.1 Development Plan Policy

Wansbeck District Local Plan (2007 (WDLP)

Policy GP1 – Settlement limits  
Policy GP30 – Visual impact  
Policy GP32 – Landscaping and the public realm

### 6.2 National Planning Policy

National Planning Policy Framework (2019) (NPPF)  
National Planning Practice Guidance (amended, 2018) (NPPG)

### 6.3 National Planning Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications (May 2019) (NLPPD) submitted 29th May 2019 for examination.

Policy STP 1 - Spatial strategy  
Policy STP 2 - Presumption in favour of sustainable development  
Policy STP 3 - Sustainable development  
Policy QOP 1 - Design principles  
Policy QOP 2 - Good design and amenity

## 7. Appraisal

7.1 The main considerations in the assessment of this proposal are:

- Principle of development;
- Visual character and design;
- Residential amenity.

In accordance with paragraph 48 of the NPPF, local planning authorities (LPA's) may also give weight to relevant policies within emerging plans depending on the stage of preparation, extent of unresolved objections and the degree of consistency with the NPPF. Policies contained within the Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications (May 2019) (Submitted May 2019) can therefore be given some weight in the assessment of this application.

### 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 Wansbeck District Local Plan (WDLP) are given weight in so far that they accord with the provisions of the NPPF.

7.3 Policy GP1a of the WDLP stipulates 'provided that proposals are in accordance with other policies of the Plan, development on previously-developed sites and buildings within settlement limits, as defined on the proposals map, will be permitted'. As the parcel of land forms curtilage for the existing school, it can be considered that the application site would be considered as previously developed in planning terms with the site situated within the settlement boundary for Choppington as identified upon the proposals map.

7.4 The proposals map which accompanies the WDLP also recognises the playing field of the school as an area of protected open space therefore, consideration must be given to policy REC3 of the WDLP to determine the acceptability of the proposal. This policy states that developments on playing fields must 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.*

- 7.5 The proposed multi use track would evidently remain ancillary to the main playing fields at the site with the submitted details indicating that 2no mini soccer football pitches could still be incorporated at the application site. Discussions have been held between the local planning authority, applicant and agent in which it has been noted that this area of playing field is of low quality and unable to be used for playing pitches due to a number of ridges and undulations. The installation of a multi use track would ensure this section of playing field could be enjoyed and utilised all year round by the school.
- 7.6 Consultation has been carried out with Sport England in relation to the amended proposal who have raised no objection to the scheme, recognising the parcel of land used would be incapable of forming a playing pitch area whilst also noting that the development would not adversely impact upon other playing pitch areas within the site.
- 7.7 Taking the above into consideration, the proposal is considered to accord with relevant local and national planning policies with the principle of development deemed to be acceptable.

### **Visual character and design**

- 7.8 Policy GP30 of the WDLP details 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'. Paragraph 124 of the NPPF recognises good design as a key aspect of sustainable development with paragraph 127 going on to note that developments should be 'visually attractive' whilst being 'sympathetic to local character'.
- 7.9 Policy QOP 1 of the NLPPD (including minor modifications) is also relevant within this assessment, stating that development should 'make a positive contribution to local character and distinctiveness' whilst incorporating 'high quality aesthetics, materials and detailing'.
- 7.10 Submitted details have been provided detailing the location of the cycle track and the materials that shall be incorporated. Due to the siting of the track to the rear of the school and the planting and boundary treatments that exist towards the west of the site, just outside the site boundary, the proposal would not be readily visible within the public domain. Furthermore, it is not considered that such works would cause harm to the appearance of the site or surrounding area with the materials chosen considered to be appropriate for such a scheme. As such, the proposal is considered to represent an acceptable form of development in accordance with relevant local and national planning policies as detailed above in relation to design.

## **Residential amenity**

- 7.11 Due to the siting of the multi use track and the intended use, it is not considered that there would be any detrimental impact upon the amenity of neighbouring residents. The closest residential properties to the site are located approximately 40 metres to the west and 95 metres to the east with these considerable separation distances ensuring there would be no adverse impacts caused.

## **Equality Duty**

- 7.12 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**

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

## **Human Rights Act Implications**

- 7.14 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.
- 7.15 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.
- 7.16 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 proposal represents an acceptable form of development in accordance with relevant local and national planning policy. Whilst the parcel of land is identified as an area of playing field upon the Wansbeck District Local Plan Proposals Map, the site specifics as outlined within the above appraisal deem that the land cannot be used for sporting pitches therefore, the installation of a multi use track would allow use of this land all year round.
- 8.2 The application is therefore recommended for approval.

## **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 (received 28<sup>th</sup> May 2019)
2. Proposed site plan rev. B (received 14<sup>th</sup> May 2019)

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

**Date of Report:** 11<sup>th</sup> June 2019

**Background Papers:** Planning application file(s) 19/00497/CCD