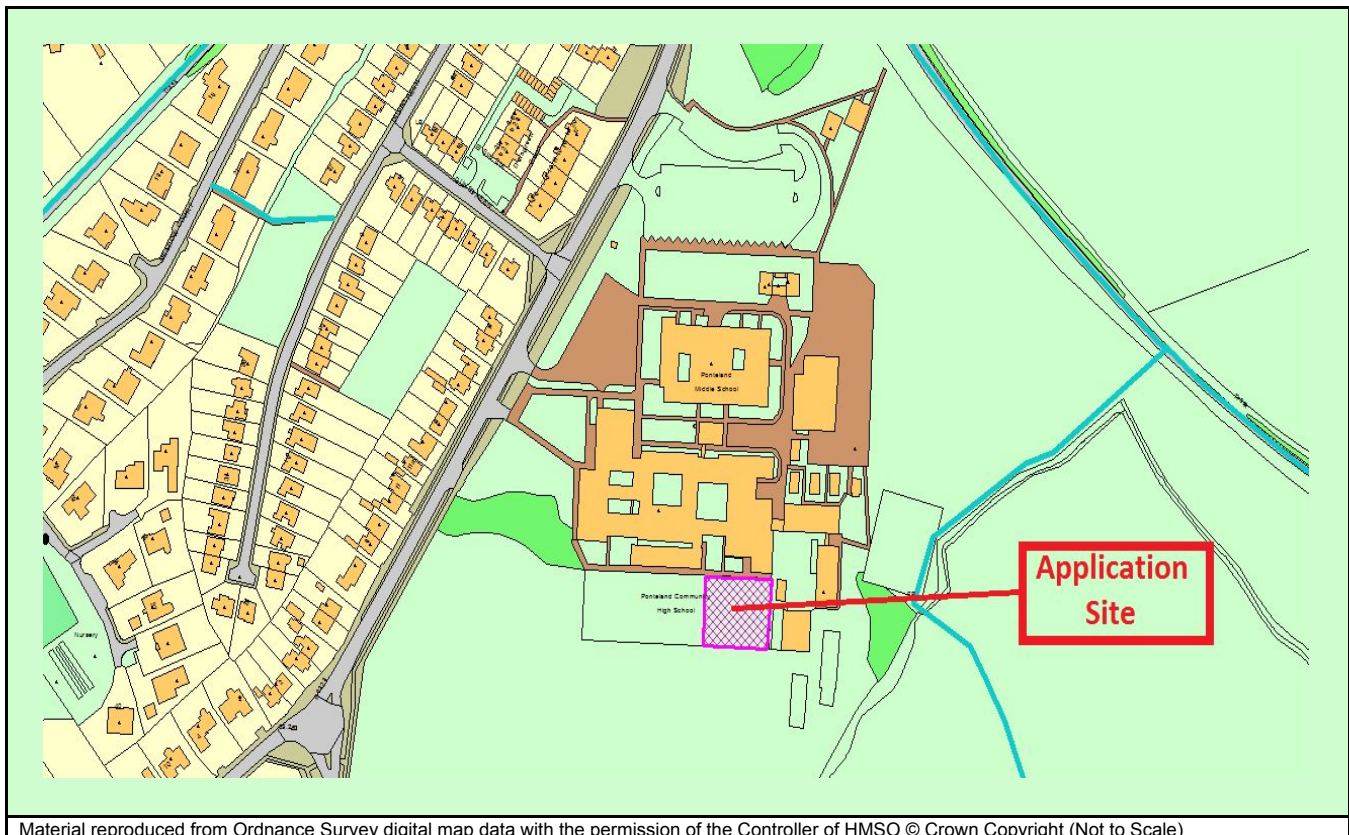




# Northumberland County Council

## Strategic Planning Committee 02 October 2018

<b>Application No:</b>	18/01074/CCD		
<b>Proposal:</b>	Installation of two storey temporary classroom building containing 10no. classrooms with associated staircases and WC facilities as supplemented by letter and plan received 01/08/18		
<b>Site Address</b>	Ponteland High School, Callerton Lane, Ponteland, Northumberland NE20 9EY		
<b>Applicant:</b>	Northumberland County Council c/o Mrs Sue Aviston County Hall Morpeth Northumberland NE61 2EF	<b>Agent:</b>	Faithful+Gould c/o Mr Graeme Race Albany Court Monarch Road Newcastle Business Park Newcastle upon Tyne NE4 7YB
<b>Ward</b>	Ponteland East and Stannington	<b>Parish</b>	Ponteland
<b>Valid Date:</b>	12 April 2018	<b>Expiry Date:</b>	31 July 2018
<b>Case Officer Details:</b>	Name: Mr Malcolm Thompson Job Title: Planning Officer Tel No: 01670 622641 Email: Malcolm.Thompson@northumberland.gov.uk		



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# **RECOMMENDATION: THAT MEMBERS BE MINDED TO GRANT PERMISSION SUBJECT TO CONDITIONS.**

## **1. Introduction**

1.1 Under the provisions of the Council's current Scheme of Delegation, this application is being reported to the Strategic Planning Committee as it would involve a County Council development on Council-owned land.

## **2. Description of the Proposals**

2.1 In April of this year, Members resolved to grant conditional planning permission for the demolition of the existing Ponteland Leisure Centre together with the subsequent construction of new build primary school, secondary school and leisure centre with associated parking, infrastructure and playing fields.

2.2 The proposal relates to the Installation of a two storey temporary classroom building containing 10no. classrooms with associated staircases and WC facilities, to be available within the existing High School site until completion of the new school. The details submitted with this application suggest that works in respect of the above are scheduled to be completed in 2019.

2.3 The site is located approximately 1 Km. south and west of Ponteland town centre and 9 miles north of Newcastle upon Tyne. The existing High School site sits adjacent to the Ponteland Leisure site, which is the proposed site for the new Ponteland Leisure/School site. The school is accessed off Callerton Lane and the proposed developed will utilise existing access roads/paths to the site.

2.4 The proposal will utilise the existing hardstanding currently marked out as 7 tennis courts. The proposed classroom units will occupy the 3 most westerly tennis courts as this brings with it the accessibility to reach the proposed facility and the close proximity to services/drainage which will be required to serve the proposed classrooms.

2.5 In support of the application, it is offered that the intention of this application is to provide temporary classrooms with a high standard of design and a reasonable standard of finish, to meet the needs of the school for a short duration, without distracting from the character and ambiance of the surrounding area. The units will be situated to the rear of the school within the secure perimeter / safe zone for safeguarding purposes. The proposed design will incorporate detailing such as:

- i. Ramps and steps to provide level access compliant with Building Regulations requirements; and
- ii. 1no. 2 storey temporary classroom building to provide 10 no. classrooms.

The proposed classrooms will measure approximately 10m (W) x 17m (L).

## **3. Planning History**

**Reference Number:** C/94/CC/009

**Description:** Extension to sixth form unit

**Status:** Approved

**Reference Number:** C/94/CC/054

**Description:** Temporary access in connection with proposed extension to sixth form unit.

**Status:** Approved

**Reference Number:** C/94/CC/045

**Description:** Temporary access from Callerton Lane in connection with proposed extension to sixth form unit

**Status:** Approved

**Reference Number:** C/94/CC/044

**Description:** Details of landscaping submitted pursuant to condition no. 4 of planning permission 94/CC/9 in respect of extension

**Status:** Approved

**Reference Number:** C/74/D/454

**Description:** Erection of youth block

**Status:** Approved

**Reference Number:** C/74/D/454A

**Description:** Renewal of temporary permission 74/D/454 for youth block

**Status:** Approved

**Reference Number:** C/76/D/493

**Description:** Erection of phase II on 0.06 ha

**Status:** Approved

**Reference Number:** C/10/00057/CCD

**Description:** Construction of a modular building. Ponteland High School, Callerton Lane, Ponteland, Newcastle upon Tyne, NE20 9EY.

**Status:** Approved

**Reference Number:** C/10/00112/DISCON

**Description:** Discharge of condition 3 (External Materials) pursuant to planning permission 10/00057/CCD

**Status:** Approved

**Reference Number:** 18/01772/CCD

**Description:** Retrospective: Temporary siting of 2no. steel storage containers for sports equipment

**Status:** Pending decision

**Reference Number:** CM/04/D/231/CC

**Description:** Alterations to main entrance to form enclosed draught lobby.

**Status:** No objection

#### 4. Consultee Responses

Ponteland Town Council	No comment.
Highways	No objection - condition and informatives offered.

#### 5. Public Responses

##### Neighbour Notification

Number of Neighbours Notified	8
Number of Objections	0
Number of Support	0
Number of General Comments	0

##### Notices

General site notice, 19th April 2018

No Press Notice Required.

##### Summary of Responses:

None.

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=P61A8RQSFFZ00>

#### 6. Planning Policy

##### 6.1 Development Plan Policy

Ponteland Neighbourhood Plan "Made" version - November 2017

PNP1 - Sustainable Development Principles

PNP2 - High Quality and Inclusive Design

PNP12 - Green Approach

Castle Morpeth District Plan, 2003

PC1 - settlement boundary

C4 & PC4 - Landscape Corridor

C16 and C17 - Green Belt

R3 - Village Halls, Community and Indoor Sports Facilities

##### 6.2 National Planning Policy

National Planning Policy Framework, 2018

National Planning Practice Guidance, 2014 (as updated)

## 7. Appraisal

7.1 The main issues relating to this application are:

- the principle of the development;
- development plan allocation;
- impact on the Green Belt;
- traffic/parking; and
- amenity.

### Principle of the Development

7.2 The main issues relating to the principle of the development include the extent to which the proposed development accords with the existing Development Plan for the area, and the extent to which the proposed development is consistent with Government guidance set out in the recently revised NPPF and PPG.

7.3 Paragraph 94 of the NPPF advises that Local Planning Authorities should give "*give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications*". This fully accords with Central Government seeking to ensure that a sufficient choice of school places is available to meet the needs of existing and new communities.

7.4 The development proposed in this application is considered as being wholly consistent with the principal aim of Central Government and with the approach advised to be exercised by a Local Planning Authority. The proposed development would ensure consistency in the overall provision of school places being made available to meet the needs of existing and new communities whilst works in connection with the provision of the afore-mentioned new and improved educational are put in place.

7.5 The Development Plan continues to be the starting point for decision making and in this respect, proposed development that accords with an up-to-date Development Plan must be approved whereas proposed development that conflicts will be refused unless material considerations indicate otherwise. The NPPF advises that in the circumstances of the saved policies of the Local Plan, these are to be afforded due weight only insofar as they are consistent with the NPPF. The weight to be attached to relevant saved Local Plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency with the NPPF, the greater the weight that is required to be attached to the saved policies.

7.6 Additionally, full weight is required to be given to the Ponteland Neighbourhood Plan (PNP), which was 'made' in November 2017. The Ponteland Neighbourhood Plan forms part of the Statutory Development Plan and therefore, given the age of the Castle Morpeth Local Plan containing policies which do not align with the NPPF, the PNP will be the starting point in the assessment of this application.

7.7 The policies of the Development Plan, both existing in terms of the Ponteland Neighbourhood Plan and the saved policies of the Castle Morpeth Local Plan, are

broadly consistent with the aims of the NPPF in supporting the delivery of new educational facilities to afford wider educational choices. However, a key issue in this particular instance is that the application site is located beyond the settlement boundary of Ponteland defined by Policies C1 and PC1 of the Castle Morpeth Local Plan. It is also located in the Green Belt as defined by Local Plan Policy C17.

## The Development Plan

7.8 The application site does not fall within any settlement boundary as provided-for in the PNP, policy PNP1 does however seek to take a positive and proactive approach to new development whilst identifying the key criteria that should be considered when determining a planning application, as detailed below:

*“Unless specifically addressed by other policies within the Development Plan, a presumption in favour of sustainable development will be exercised in the determination of all development proposals. In seeking to ensure development is sustainable it will be necessary to demonstrate how the development would:*

- a. Minimise the impact and mitigate the likely effects of climate change particularly by using opportunities offered by that development to reduce the causes and impacts of flooding;*
- b. Minimise its impact on amenity for new and existing residents, businesses and other land uses in the vicinity of the development;*
- c. Make efficient use of land taking into account land instability;*
- d. Have regard to protecting or enhancing the significance of heritage assets and their setting;*
- e. Support the health, social and cultural well-being of the current and future community;*
- f. Minimise its impact on biodiversity and geodiversity and provide net gains in biodiversity where possible; and*
- g. Ensure that all infrastructure necessary to make the development acceptable in planning terms is either in place or can be provided prior to the development being brought into use.*

7.9 Policy PNP 2 seeks to respect the character of the site and its surroundings whilst taking account of the potential users of the development, ensuring that servicing and delivery arrangements meet the reasonable needs of the business through off-street servicing and loading facilities.

7.10 The application site lies beyond the defined settlement boundary as appears in saved Local Plan policies C1 and PC1 of the Castle Morpeth Local Plan. As such, the proposed development would be located outside of the Ponteland settlement and therefore, by implication, would be located in the open countryside. As mentioned above, the site is also located within an area identified as Green Belt by Local Plan policy C17 where new development proposals are generally considered to be inappropriate.

7.11 Local Plan policies C1 and PC1 seek to resist development in the open countryside unless it is essential to the needs of agriculture or forestry, or is expressly permitted under other Local Plan policies. When taken as a whole, the proposed development would not accord with Local Plan. Generally speaking the proposed development could be considered as being inappropriate development in this location. However, the weight that attaches to these policies in the determination

of this application requires further exploration given the date of the Local Plan (2003) and their alignment, or otherwise, with guidance contained in the NPPF.

7.12 It is generally considered that Local Plan policies C1 and PC1 are largely out-of-date given that the Local Plan was only intended to guide development for the period up to and including 2006. However, the intention of these policies in terms of recognising and seeking to protect the open countryside aligns with the spirit of the NPPF and therefore some weight is attached to them in this respect. Despite the above, the aims of Local Plan policies C1 and PC1 were to encourage a moderate level of new development in close proximity to the village centre. This necessitated a modest encroachment into the open countryside and Green Belt to the east of the village, including the existing school site. The existence of the Green Belt has prevented expansion to the north and north west, and also to the south and south east where the current application site is located. The mature and well defined boundaries for the settlement, as defined by Local Plan policies C1 and PC1, have been long established and opportunities for expansion and growth severely limited in recent years. The tight drawing of the settlement boundary for Ponteland along the southern edge of the settlement in particular, was a clear sign that any further expansion into the open countryside to the south would be considered as being inappropriate and this remains the adopted policy position at this time. The site upon which the temporary classrooms subject of this particular proposal would be located is entirely within the extent of the school's built form and upon part of the existing tennis courts.

#### Green Belt

7.13 The site lies within an area designated as being Green Belt in the Castle Morpeth District Local Plan.

7.14 There is a general presumption against inappropriate development in the Green Belt. Government advice is such that when determining applications that are considered to be 'inappropriate development' in the Green Belt, very special circumstances must be demonstrated to outweigh the impact on the openness of the Green Belt. The NPPF offers that new buildings would be inappropriate unless they are for particular purposes, which do not include school classrooms. There is however, an allowance for the development plan to identify major developed sites within the Green Belt where limited infilling would not be inappropriate development, provided that certain criteria are met.

7.15 Saved policy C16 of the Castle Morpeth Local Plan sets out the boundaries of the Green Belt. Saved policy C17 of the Castle Morpeth Local Plan reiterates the requirements of government advice in terms of new buildings. Saved policy C19 identifies major developed sites within the Green Belt which includes the Ponteland High and Middle Schools sites. Policy C19 states that proposals for limited infill development at this site should not have a greater impact than the present use on the openness of the Green Belt, and the height of any new development should not exceed the height of existing buildings on site or lead to a major increase in the developed proportion of the site. Saved Policy R3 of the Castle Morpeth District Local Plan states that the Council will permit the upgrading and improvement of existing community facilities.

7.16 The proposed works are connected to a policy decision within Northumberland County Council to re-organise local schools to alter the existing three tier teaching system providing a new two-tier system. The temporary classrooms will provide 10 no. 'transition' classrooms, with associated access provision in preparation for housing additional student numbers as a temporary measure until the new school construction works are completed in 2019.

7.17 As mentioned above, the Ponteland High and Middle School sites are identified as a major developed site within the Green Belt. The proposed temporary classrooms would be located on an area of hardstanding i.e. the tennis courts and would be screened to the north and east existing buildings and would therefore not be visible outside the school site. The modular buildings would be seen in the context of the existing schools. The existing school comprises a mixture of single and two storey buildings. The proposed two storey buildings would be of a similar or lower height than surrounding buildings. It is considered that the existing screening provided by the adjacent buildings means that the proposed building would not have an adverse impact on the openness of the Green Belt. Furthermore it is considered that the proposal would not create an adverse visual impact due to its proposed position within the site.

#### Highway matters

7.18 This development will increase staff and pupil numbers within the school. Approximately 300 additional pupils will be attending the school within the proposed temporary classrooms together with associated staff. Transport (coaches/buses), car parking and other site amenities are being improved/considered as part of the new leisure/education development to the adjacent site and will be implemented accordingly.

7.19 In response to initial consultation on the proposal, the County Highways Authority commented that as the proposed development will facilitate the increase in pupil intake at the school in the interim period between converting from a three-tier to a two tier education system, the school will be adding additional pupils to its current provision, to which parking, drop off, and bus access associated with the existing layout may not necessarily be sufficient to accommodate this additional demand. Furthermore, the construction phasing may also impact upon such provision. Additional information was therefore required to clarify these issues to ensure that there are appropriate facilities during the period when the temporary classrooms are on site. Given the above, the applicant was requested to prepare a Transport Statement addressing the above. Following receipt and subsequent assessment of the additionally requested information the Highways Authority is satisfied that in this interim period, provision of additional car parking and pupil drop off / pick up spaces provided at the same ratio of pupils to spaces that there is currently within the existing school, that the proposed car parking layout is acceptable and will not impact upon the highway. As such, there will be no additional impacts upon the highway resultant from the temporary classroom development. Accordingly, there are no highway concerns with the development subject to a condition securing the delivery of the revised car parking area.

#### Amenity



7.20 The modular buildings would be located approximately 220 metres from the nearest residential properties to the west in Callerton Lane. They would be used during current school hours of 8:30am and 4:00pm. The proposed modular buildings would be located on an existing educational site which currently provides facilities for children between 12-19 years old. The Council's Public Protection Officer has confirmed verbally that as the proposed area forms part of the tennis court areas used by the school pupils on a daily basis there will be no discernible difference in noise levels. It is not considered that there would be any significant impact on residential amenity from this development.

## **Other matters**

### Equality Duty

7.21 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

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

### Human Rights Act Implications

7.23 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.

7.24 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.

7.25 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.

7.26 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 proposed development would provide improved facilities in terms of education at an existing school site. Officers are of the opinion that the proposed development would not have a significant adverse impact on visual or residential amenity or have an adverse impact on the openness of the Green Belt. The proposal therefore accords with Policy R3 and C19 of the Castle Morpeth District Local Plan. It is therefore recommended that planning permission be granted.

8.2 In considering an application for the siting of a single modular building within the school grounds in 2010, Members considered it appropriate to impose a specific condition requiring details including those in respect of the proposed external colouring of the building given the Green Belt location. The condition is repeated below.

## **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 facing materials and finishes to be used in the construction of the development shall be in accordance with details contained in the application. The development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of policy C19 of the castle Morpeth Local Plan.

03. Except where modified by the conditions attached to this planning permission, the development shall be carried out in accordance with the details shown in drawing numbers:

5081942/046/003 dated 16/03/2018 - Proposed Site Plan

5081942/046/004 dated 16/03/2018 - Proposed Plans/Elevations

5081942/046/005 dated 31/07/2018 - Additional Parking

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

04. Prior to the commencement of development a schedule of the types and colours of all materials to be used on the external elevations of the proposed

development shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved details.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of Saved policy R3 of the Castle Morpeth District Local Plan.

05. The classroom units hereby granted planning permission shall be removed in their entirety on or before 31 December 2019 unless the Local Planning Authority is in receipt of a further valid application for planning permission to extend the temporary period.

Reason: In order to retain proper control over the development as the containers are unsuitable for permanent retention in this location.

**Date of Report:** 23<sup>rd</sup> August 2018

**Background Papers:** Planning application file(s) 18/01074/CCD