

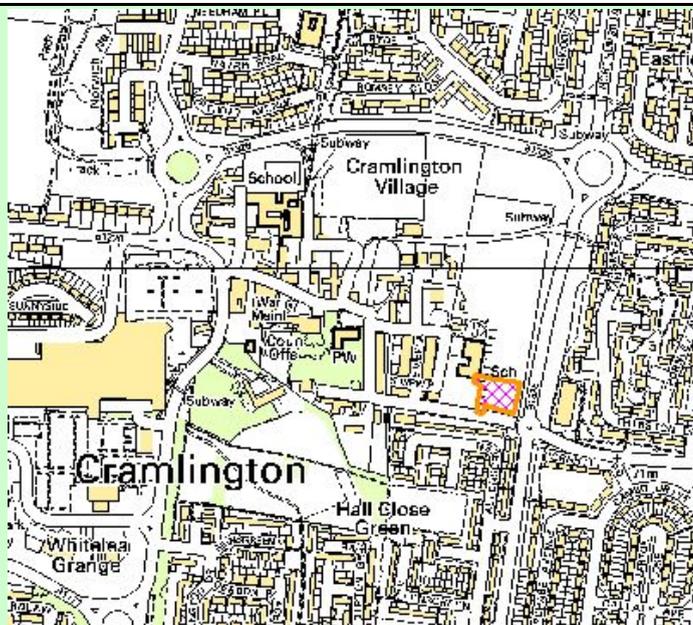


# Northumberland County Council

## Cramlington, Bedlington and Seaton Valley Local Area Council 17<sup>th</sup> April 2019

<b>Application No:</b>	19/00306/CCD		
<b>Proposal:</b>	Proposed construction of multi-use games area (MUGA)		
<b>Site Address</b>	Hillcrest Day Special School, East View Avenue, Cramlington, Northumberland, NE23 1DY		
<b>Applicant:</b>	Mr Mark Phillips Hillcrest Special School, East Avenue, Cramlington, Northumberland NE23 1DY	<b>Agent:</b>	Mr Steven Kirk 9 Churchburn Drive, Morpeth, Northumberland, NE61 2BZ
<b>Ward</b>	Cramlington Village	<b>Parish</b>	Cramlington
<b>Valid Date:</b>	29 January 2019	<b>Expiry Date:</b>	19 April 2019
<b>Case Officer Details:</b>	Name: Mr Richard Laughton Job Title: Planning Officer Tel No: 01670 622628 Email: richard.laughton@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 Cramlington, Bedlington and Seaton Valley Local Area Council as it involves a County Council development on Council owned land.

## 2. Description of the Proposals

2.1 The application seeks full planning permission for the provision of a multi-use games area (MUGA) at Hillcrest Day Special School, East View Avenue, Cramlington.

2.2 The proposed MUGA would measure approximately 30.2m x 16.52m with recessed goal ends and a synthetic turf pitch in green. It would be surrounded by a 1m high perimeter fence, constructed with timber rails and steel posts in green. This would be raised to 3m high behind the goals. The pitch would be linked to the main school by a new concrete footpath and temporary access would be formed onto Church Street through the removal of a section of hedging during the construction phase. The MUGA would not be open to the general public.

2.3 The proposed MUGA and enclosure would be located to the south east corner of the existing school playing field with Northumbrian road to the east and residential properties to the south on Church Street.

## 3. Planning History

**Reference Number:** C/09/00130/CCD

**Description:** 2 no. single storey extensions to form additional teaching space, administration space and hygiene facilities

**Status:** PER

**Reference Number:** C/10/00027/CCD

**Description:** Proposed Extension

**Status:** PER

**Reference Number:** 15/00609/FUL

**Description:** Demolition of store building & erection of new modular building to form teaching accommodation

**Status:** PER

## 4. Consultee Responses

Cramlington Town Council	No response received.
Public Protection	No objections
Education - Schools	No response received.
Sport England	No objections
Strategic Estates	No response received.
Lead Local Flood Authority (LLFA)	No objections

Highways	No objections subject to conditions
County Ecologist	No objections subject to conditions

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	36
Number of Objections	0
Number of Support	0
Number of General Comments	0

Copies of all representations received are available in the Member's Lounge and will also be made available at the meeting of the Committee

### Notices

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

### Summary of Responses:

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=PM1OD1QSLNG00>

## 6. Planning Policy

### Blyth Valley District Local Plan (1999, saved policies 2007) (BVDLP)

Policy C10 – Educational facilities

### Blyth Valley Development Control Policies Document (2007) (DPD)

Policy DC1 – General development

Policy DC12 – Community facilities

Policy DC27 – Design of new developments

### Blyth Valley Core Strategy (2007) (BVCS)

SS1 – Regeneration and renaissance of Blyth Valley

SS3 - Sustainability Criteria

ENV2 - Historic and Built Environment

Policy C1 – Educational facilities

### National Planning Policy

National Planning Policy Framework (2019) (NPPF)

## Other Documents/Strategies

Northumberland Local Plan Publication Draft Plan (Regulation 19) (NLPPD)

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

Policy TRA 2- Effects of development on transport network

Policy TRA 4 – Parking provision in new development

Policy POL 1- Unstable and contaminated land

## **7. Appraisal**

7.1 In assessing the acceptability of any proposal, regard must be given to policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Blyth Valley District Local Plan (BVDLP), Blyth Valley Development Control Policies Document (DPD) and Blyth Valley Core Strategy (BVCS).

7.2 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) can therefore be given some weight in the assessment of this application.

7.3 The main considerations in the assessment of this application are:

- Principle of development;
- Design and visual character;
- Residential amenity;
- Highways impacts;
- Ecology
- Flood Risk

### Principle of Development

7.4 The NPPF, specifically paragraph 94, in part advises that Local Planning Authorities should give "great weight to the need to create, expand or alter schools". In turn, this is reflective of the "great importance" that Central Government attaches to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and is also consistent with the proactive, positive and collaborative approach that local planning authorities should take in seeking to satisfy Central Government's aim and in terms of development that will widen choice in education.

7.5 Fundamentally, with regard to the development in this application, it is considered that this is wholly consistent with the principal aim of Central Government and with the approach advised to be exercised by a Local Planning Authority. Importantly, the development will significantly contribute to the overall provision of a sufficient choice of school places being made available to meet the needs of existing and new communities. It is further considered that the Council's overall approach, again entirely consistent with the approach advocated in NPPF paragraph 94, has been proactive, positive and collaborative.

7.6 Policy DC1 of the Blyth Valley DPD, read in conjunction with the Local Plan proposals map, outlines that development should be situated within recognised settlements. The application site is situated with the designated settlement boundary for Cramlington and proposes works upon an already developed site.

7.7 The National Planning Policy Framework (NPPF) states that planning authorities should ensure that established facilities are able to develop and modernise for the benefit of the community. The new MUGA would provide a much improved facility for the school the pupils within the local community who attend. This is also in line with saved Policy C1 of the Blyth Valley Borough Council Core Strategy which states that in line with the County Council's strategy for education, access to education is maximised. It is therefore considered that the principle of development is acceptable.

#### Design and visual character

7.8 Policy DC27 of the DPD notes that new development will be expected to achieve a high standard of design, whilst incorporating sustainable construction measures and reflecting local distinctiveness. The provisions of this policy are closely mirrored within the NPPF which at paragraph 124 recognises good design as a key aspect of sustainable development. Paragraph 127 of the NPPF goes on to note that developments should 'function well and add to the overall quality of the area' whilst being 'sympathetic to local character and history, including the surrounding built environment and landscape setting'.

7.9 Policy QOP 1 of the NLPPD is also relevant in the assessment of this proposal which details that developments should 'create or contribute to a strong sense of place and integrate the built form of the development with the site overall, and the wider local area' whilst incorporating 'high quality aesthetics, materials and detailing'.

7.10 In terms of the visual impact of the MUGA, it would remain subservient and be viewed in relation to the existing school buildings and playing field. The proposed sports pitch would be positioned to the south west corner of the site which would be visible from the public domain with residential properties to the south and Northumbrian Road to the east, although views would be restricted from the boundary hedging. It is considered that the proposed scale would not provide a prominent feature in the landscape and a recreational facility is a common feature within a school site.

7.11 In general, the design proposed is standard for school type structures. Therefore in visual terms it is considered that the proposal complies with Policies ENV2 and DC27. It is considered that the addition of a MUGA to this part of the school complex would represent an acceptable quality of contemporary design to

this improve the school facilities and is therefore in accordance with the NPPF in this respect. Whilst policy QOP 1 of the NLPPD in terms of high quality visual appearance and design.

### Residential amenity impact

7.12 Whilst recognising that the proposed development may be partially visible within the public domain, the nearest residential properties are situated at least 30 metres from the development, with a public highway separating the site. The sports facility would be within the existing school site and playing field, therefore providing a like for like use. Public Protection has been consulted and have no comments to make on the application in relation to any potential impact to noise and disturbance. As such, there would be no detrimental impact upon residential amenity caused by the proposal, in accordance with the NPPF and policy QOP 2 of the NLPPD.

### Highways

7.13 The Highways Authority has no objections to the application and additional parking provision is not required as the development would cater for pupils and staff within the school. The MUGA will be accessed from within the school grounds, however the applicant proposes to construct a temporary access for during the construction phase.

7.14 The proposed temporary access will be located along Church Street which is an unclassified road. Visibility from the temporary access is considered to be generally acceptable but will be subject to further consideration as part of the construction method statement. Once the proposed development is complete the applicant is required to close the access of and return to it original highway layout state. A construction Method Statement to include a block plan of the site compound is required. Subject to conditions relating to surface water drainage and details of a construction method statement. The application is therefore in accordance with the NPPF. Whilst limited weight can be given to the Northumberland Local Plan (NLP) the proposal would also accord with Policies TRA 2 and TRA 4 which look at the effects of the development on the transport network and parking provision in new development.

### Ecology

7.15 The site of the MUGA is on close mown amenity grassland and away from the hedges and trees along the field boundaries. No external lighting is proposed and as a result it is unlikely that the proposal would have any significant impact on protected, threatened or notable species or habitats.

7.16 The County Ecologist has been consulted and considers that a minor ecological gain could be accrued with some modest tree and/or shrub planting away from the MUGA and the rest of the operational area of the wider school field. The south east corner of the site could easily accommodate a couple of trees or shrubs of native species. Alternatively bat or bird box(es) erected in one or more of the trees along the site boundary would suffice to satisfy the enhancement requirements of the NPPF. An appropriately worded condition can be imposed to achieve this. The application is considered to be in accordance with the NPPF. Whilst limited weight

can be given to the Northumberland Local Plan (NLP) the proposal would accord with Policy ENV2 which seeks to protect and enhance biodiversity and geodiversity.

### Flood Risk and Drainage

7.17 The site is not located within an area of flood risk or known surface water issues. Due to the nature and scale of the proposal the Lead Local Flood Authority (LLFA) would not normally be consulted. It is considered that additional information for surface water drainage is unnecessary for this scheme as such, the application is in accordance with the NPPF as there would be no increased risk to flooding.

### ***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 have no implications in relation to crime and disorder.

### ***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**

8.1 Subject to conditions, the proposed multi-use games area is considered to result in an acceptable form of development in this location that would not have any adverse impact upon the residential amenity of neighbouring properties close to the school. Similarly, there would be no adverse impact on the character and appearance of the buildings or the wider area and landscape. The proposal would therefore be in accordance with Local Plan Policies and the National Planning Policy Framework.

## **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:-

Location plan – received 29<sup>th</sup> January 2019  
Proposed Site Plan 1825 02  
Proposed elevations 1825 03

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

03. Prior to occupation, details of surface water drainage to manage run off from private land have been submitted to and approved by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved details.

Reason: In order to prevent surface water run off in the interests of the amenity of the area and to ensure suitable drainage has been investigated for the development and implemented, in accordance with the National Planning Policy Framework.

04. Development shall not commence until a Construction Method Statement, together with supporting plan 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. The Construction Method Statement and plan shall, where applicable, provide for:

i. details of temporary traffic management measures, temporary access, routes and

- vehicles;
- ii. vehicle cleaning facilities;
- iii. the parking of vehicles of site operatives and visitors;
- iv. the loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development;
- vi. removal of the temporary construction access and reinstatement of footway, boundary treatment and planting, together with timescale of works

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

05. A landscape planting plan, including the planting of a small number of locally native trees and shrubs of local provenance and/or erection of bat or bird boxes in existing trees on the site boundaries, shall be submitted to and agreed in writing with the LPA with the planting/erection of boxes to be fully implemented during the first full planting season (November March inclusive) following the commencement of development.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site.

## **Informatives**

01. You should note that under the Highways Act 1980 a temporary construction access crossing point is required. These works should be carried out before development commences. To arrange the installation of a vehicle crossing point (and to make good any damage/reinstatement or other works to the existing footway or verge on completion of the works) you should contact the Highways Area Office at: - Ashington, Blyth Cramlington and Bedlington please use [blythdepot@northumberland.gov.uk](mailto:blythdepot@northumberland.gov.uk)
02. Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.
03. In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

**Date of Report: 03.04.2019**

**Authorised by:**

**Date:**

**Background Papers:** Planning application file(s) 19/00306/CCD