

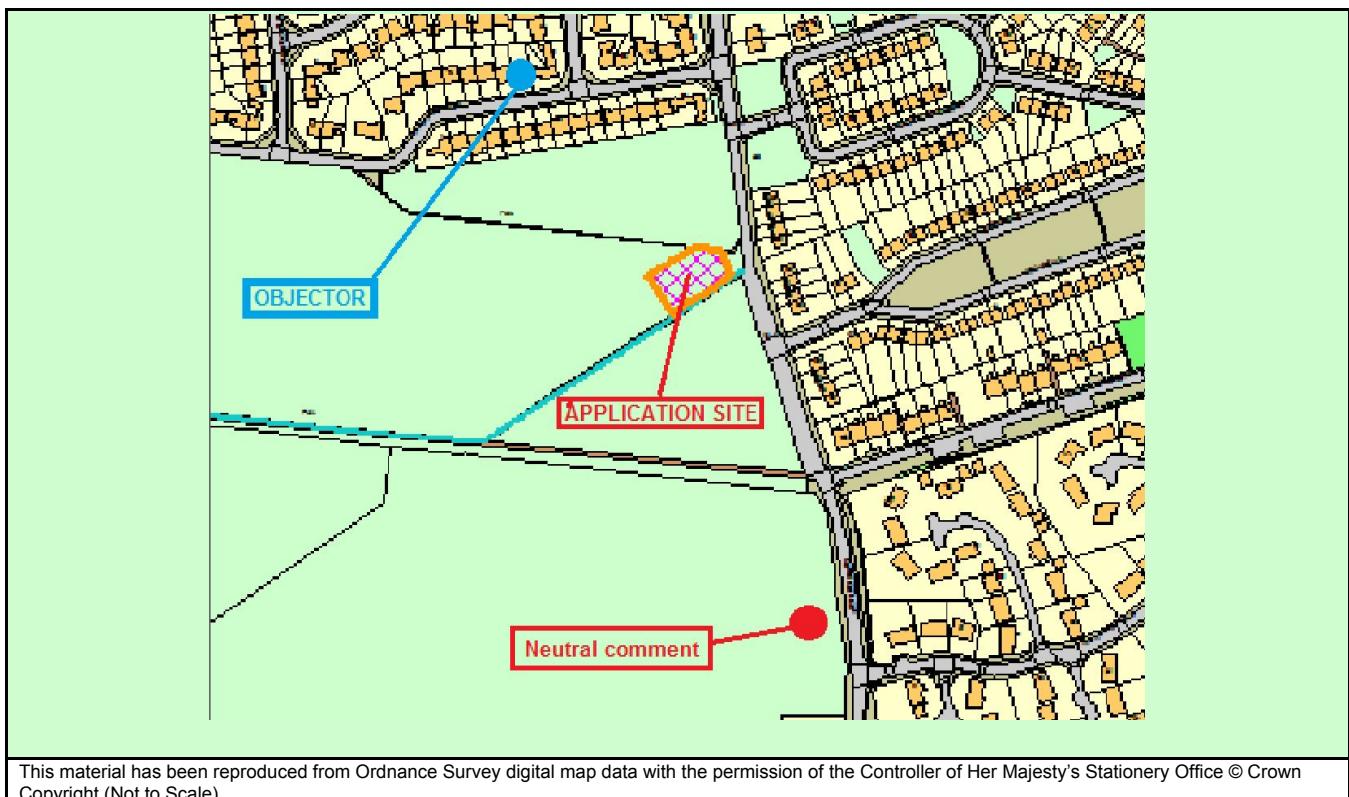


# Northumberland County Council

## Cramlington, Bedlington and Seaton Valley Local Area Council 16th October 2019

<b>Application No:</b>	19/03499/FUL		
<b>Proposal:</b>	Creation of play area		
<b>Site Address</b>	Land west of 70 Millfield North, Church Lane, Bedlington		
<b>Applicant:</b>	Mr Steven Young Community Centre, Front Street West, Bedlington, NE22 5TT	<b>Agent:</b>	Mrs Jo-Anne Garrick 23 Mead Court, Forest Hall, Newcastle Upon Tyne, NE12 9RF
<b>Ward</b>	Bedlington Central	<b>Parish</b>	West Bedlington
<b>Valid Date:</b>	21 August 2019	<b>Expiry Date:</b>	16 October 2019
<b>Case Officer Details:</b>	Name: Mr Malcolm Thompson Job Title: Planning Officer Tel No: 01670 622641 Email: Malcolm.Thompson@northumberland.gov.uk		

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



## 1. Introduction

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

## 2. Description of the Proposals

2.1 Planning permission is sought for the provision of a children's play area upon land known locally as "20 Acre Field" situated opposite no. 70 Millfield North, Church Lane, Bedlington.

2.2 The proposal relates to the provision of a small football pitch along with a number of items of play equipment varying in height from 900mm to 3 metres, all enclosed by way of a "round-top" metal fence at a height of 1.2 metres.

2.3 The application has been submitted on behalf of West Bedlington Town Council and relates to an area of land measuring some 600 square metres within an area of open space measuring approximately 59,000 square metres in area, and within the defined settlement boundary as appears in the adopted Wansbeck District Local Plan - 2007. The Local Plan refers to the land as "South Park, Bedlington" and is described therein as being "Amenity/Green Space".

## 3. Planning History

None.

## 4. Consultee Responses

West Bedlington Parish Council	No response received.
Highways	No objections - informatives offered.
Countryside/ Rights Of Way	No objections - condition offered.
Strategic Estates	No response received.
Tourism, Leisure & Culture	No response received.
Ecology	Response awaited..
Public Protection	Response awaited.
Conservation	Response awaited.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	28
Number of Objections	1
Number of Support	0
Number of General Comments	1

### Notices

Site notice - Public Right of Way, 5th September 2019

News Post Leader 12th September 2019

Summary of Responses:

One objection has been received from a nearby local resident in which concerns are raised as follows:

- a valued quiet peaceful area for dog walkers, joggers, horse riders over many years;
- attraction to wildlife;
- ruin the look and feel of the area which is enjoyed by so many;
- anti-social behaviour/vandalism;
- the need for such a play area; and
- waste of tax payer's money.

A further "neutral" observation is made from another nearby local resident in which comments are made towards traffic calming and anti-social behaviour.

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=PWJ2ERQSJ9Y00>

## **6. Planning Policy**

### 6.1 National Planning Policy

National Planning Policy Framework (2019)

National Planning Policy Guidance (updated, 2019, as updated)

### 6.2 Development Plan Policy

Wansbeck District Local Plan (2007)

Policy GP1(Part A) - Development in Accordance with Other Relevant Policies

Policy GP4 - Accessibility

Policy GP5 - Landscape Character

Policy GP12 - Protection of Species

Policy GP13 - Biodiversity and Wildlife Networks

Policies GP23 and GP25 - Pollution and Nuisance

Policy GP30 - Visual Impact

Policy GP31 - Urban Design

Policy GP35 - Crime Prevention

Policies REC1, REC2, and REC3 - Safeguarding Existing Parks and Open Spaces

Policy RE5 - Provision of New Facilities

Policy REC8 - Children's Play

Policy T4 - Provision for Walking

### 6.3 Other Relevant Documents

The NPPF states that from the day of its publication, weight can be given to policies contained in emerging plans dependent upon the stage of preparation of the plan, level of unresolved objections to policies within the plan and its degree of consistency with the NPPF. The emerging Northumberland Local Plan was submitted to the Planning Inspectorate in May 2019 for independent examination, supported by a schedule of Minor Modifications following a six week period of

consultation earlier this year. The Authority are therefore affording appropriate weight to policies contained within the emerging plan which form a material consideration in determining planning applications alongside Development Plan Policies.

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 INF 2 - Community Facilities and Services

Policy INF 5 - Open Space and Facilities for Sport and Recreation

## **7. Appraisal**

7.1 The main issues relating to this application are:

- Principle of development;
- Design and Impact upon Heritage Assets;
- Impact upon Residential Amenity;
- Impact upon Public Right of Way;
- Highway Safety; and
- Ecology.

### Principle of development

7.2 The National Planning Policy Framework (NPPF) maintains that the starting point for the determination of planning applications remains with the development plan, unless material considerations indicate otherwise. As a starting point, policy GP1 of the Wansbeck District Local Plan refers to the principles for the general location of development. The policy requires that development on greenfield sites within settlement boundaries will be permitted where there is an identified need and that the proposal meets the requirement of other relevant policies within the adopted Local Plan.

7.3 The Northumberland Local Plan (Publication Draft Plan) was published for consultation in January 2019, with proposed minor modifications submitted on 29<sup>th</sup> May 2019. In accordance with Paragraph 216 of the NPPF; the policies contained within the document at this stage carry some weight in the assessment of planning applications.

7.4 Policy STP 1 of the Northumberland Local Plan (Publication Draft Plan) identifies Bedlington as a main town within Northumberland and should accommodate development which enhances the vitality of communities.

7.5 Paragraph 96 of the National Planning Policy Framework (NPPF) states “... *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*”.

7.6 Paragraph 97 of the NPPF states “*existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- a) *An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) *The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*

*The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use”.*

7.7 Policy CF2 of the Wansbeck District Local Plan sets out the principles for community services and facilities and states: *”Development which will improve the provision of community facilities will be permitted in the District’s town centres as defined on the Proposals Map”* and *“Proposals for small scale facilities to provide for the needs of a local neighbourhood will be permitted if they are well located in relation to the community they will serve”.*

7.8 Policy INF2 of the Northumberland Local Plan (Publication Draft Plan) relates to community services and facilities. This policy supports the improvement in the quantity, quality, accessibility and range of community services and facilities.

7.9 Policy STP 5 of the Northumberland Local Plan (Publication Draft Plan) relates to health and wellbeing. This policy states that *“development which promotes, supports and enhances the health and wellbeing of communities, residents, workers and visitors will be supported”.* The policy follows on to state a number of criteria which development must meet.

7.10 The proposed development would provide additional sports/recreation facilities on grassed land to the west of Millfield, to the south of Hotspur Avenue, and north of St. Nicholas’ Drive within the recently constructed residential development. The proposal would provide additional sports facilities and recreational facilities which would benefit the local community and would be situated in a suitable location. The proposed development is considered to be acceptable as a matter of principle in accordance with policy CF2 of the Wansbeck District Local Plan, policies INF 2, STP 1 and STP 5 of the Northumberland Local Plan (Publication Draft Plan), and paragraphs 96 and 97 of the NPPF.

#### Design and Impact upon Heritage Assets

7.11 Chapter 12 of the NPPF relates to achieving well-designed places. Paragraph 124 of the NPPF states *“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”.*

7.12 Policy QOP 1 of the Northumberland Local Plan (Publication Draft Plan) sets out the design principles for all types of development to follow. Criterion (a) states that design will be supported where it *“makes a positive contribution to local character and distinctiveness and contributes to a positive relationship between built and natural features, including landform and topography”.* Criterion (c) states proposed development should incorporate *“high quality aesthetics, materials and detailing”.* Criterion (g) states that proposals will be

supported where the design *“supports health and wellbeing and enhances quality of life”*.

7.13 Policy ENV 7 of the Northumberland Local Plan (Publication Draft Plan) relates to the historic environment and heritage assets. This policy states *“development proposals will be assessed and decisions made that ensure the conservation and enhancement of the significance, quality and integrity of Northumberland’s heritage assets and their settings”*.

7.14 The nearest heritage asset is “The Beeches”, a grade II Listed Building which is located some 150 metres away on the opposite (eastern) side of Millfield/Church Lane and to the north of the application site. As such, it is not considered that the proposal would not negatively impact upon the heritage asset or its setting, however, a response from the conservation is awaited to confirm this.

7.15 The design and appearance of the proposed development are typical of that in similar development across the County. Although the play equipment would be of varying colour finishes, the proposed boundary fence enclosing the entire development (including the 2 self-closing pedestrian gates and 1no. double “service” gate) comprises galvanised and polyester-coated steel finished in a dark green colour.

7.16 The proposed works would accord with policies GP30 and GP31 of the Wansbeck District Local Plan, policies ENV 7, and QOP 1 of the Northumberland Local Plan (Publication Draft Plan), and the principles of the NPPF in this respect.

#### Impact upon Residential Amenity

7.17 Policy GP25 of the Wansbeck District Local Plan requires that in assessing proposals, consideration should be given any disturbance to people living in the area and any effect on people’s enjoyment of the outdoor environment including gardens, parks, the coast, and the countryside.

7.18 Policy QOP 1 of the Northumberland Local Plan (Publication Draft Plan) sets out the design principles for all types of development. One of the principles of this policy states that proposals will be supported where design *“protects general amenity”*. Policy QOP 2 of the Northumberland Local Plan (Publication Draft Plan) relates to good design and amenity. This policy seeks to preserve the amenity of those living in, working in or visiting the local area.

7.19 Policy GP35 of the Wansbeck District Local Plan relates specifically to crime prevention and states *“Development proposals will be expected to have regard to the objectives of ‘planning out crime’ through the incorporation of measures...”*. The policy acknowledges that good planning can help to discourage criminal activity to both people and property and that in this respect, the range and type of design measures available will vary according to the size and type of development.

7.20 Repeated reference towards vandalism and anti-social behaviour has been made in the one objection and one comment received from nearby local

residents. In this respect, the applicant has indicated that pre-application discussions have been held regarding such matters and that in addition to the placing of CCTV facilities upon existing street furniture i.e. lamp posts, a regular pattern of controls would be put in place.

- 7.21 As outlined above, the application site lies within a significant area of designated open space bounded by residential properties to the north, east and south. The Council's Public Protection team have been consulted on this application and a response is awaited at the time of compiling this report. Members will be updated at the committee meeting.
- 7.22 Overall, it is considered that the application would not have a detrimental impact on the amenity of neighbouring properties. The proposal would therefore accord with policies GP12, GP13, GP25 and GP35 of the Wansbeck District Local Plan, policies QOP 1 and QOP 2 of the Northumberland Local Plan (Publication Draft Plan), and the aims of the NPPF in relation to impact upon residential amenity.

#### Impact upon Public Right of Way

- 7.23 Wansbeck District Local Plan policy T4 relates specifically to provisions being made to assist walking. The southern boundary of the application site is adjacent to Public Footpath No.58 as indicated in the Definitive Plan. The Council's Public Rights of Way Officer has responded to formal application and in doing so, raises no objection to the proposal on the basis that the afore-mentioned Public Footpath is protected throughout the entire construction period. It is also offered that no action should be taken to disturb the path surface, without prior written consent of the Council as the Highways Authority or in any way prevent or deter public use without the necessary temporary closure or Diversion Order having been made, confirmed, and an acceptable alternative route provided. An appropriate condition is proposed along with an extract map being appended to any planning permission granted, clearly showing the extent/route of the Public Footpath.
- 7.24 Given the above, it is considered that the proposal does not conflict with the aims of Wansbeck District Local Plan policy T4.

#### Highway Safety

- 7.25 Policy T6 of the Wansbeck District Local Plan set out the principles for transport and accessibility whereas policy T7 sets out the criteria relating to car parking.
- 7.26 Policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan) relates to the promotion of sustainable connections. Policy TRA 2 of the Northumberland Local Plan (Publication Draft Plan) sets out criteria relating to all types of development affecting the transport network.
- 7.27 The Council's Highway Development Management team has been consulted on this application and has no objection. In assessing the proposal in conjunction with the NPPF, due consideration has been given to the safety of all users of the highway (pedestrian and vehicular) and it is noted that the site is situated approximately 10 metres from the adjacent unclassified road (the U6546) which

has footways, street lighting, and is subject to a 20 mph speed limit.

7.28 As the site is located adjacent to a housing estate, it is not anticipated that users of the proposed facility will arrive by public transport. It is not proposed that the site will have a vehicular access, and it is not considered that the development will have a significantly negative impact upon road safety. Similarly, there is no requirement for the provision of car parking and no requirements for the provision of cycle parking or storage facilities.

7.29 In summary, the Highways Development Management Team consider that the proposal will not result in an adverse impact on highway safety, or indeed highway assets. As such, the proposal is considered to be in accordance with policies T6 and T7 of the Wansbeck District Local Plan and policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan). Nevertheless, it is advised that in the interests of highway safety and the amenity of the surrounding area, that no building materials or equipment shall be stored on the highway and no mud, debris or rubbish shall not be deposited on the highway. Appropriate (standard) informatives are offered in this respect and in the event that planning Permission is granted.

#### Ecology

7.30 Given the potential for any impact in terms of ecology and given the general openness of the site, the Council's Ecologist has been formally consulted on the proposal. The response is awaited at the time of compiling this report, Members will be updated at the committee meeting.

#### **Other matters**

##### 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 National and local planning policies have been taken into consideration when assessing this application. In general terms, and notwithstanding the awaited consultee responses, the proposal would accord with those relevant policies contained within the Wansbeck District Local Plan, the Northumberland Local Plan (Publication Draft Plan) as set out above, and the principles of the National Planning Policy Framework.

## **9. Recommendation**

That this application be GRANTED subject to the following conditions and no objection from Ecology, Public Protection and Conservation. Members are asked to delegate authority to the Director of Planning to attach any further suggested conditions from consultees:

### 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 Wansbeck Local Plan policy GP31.

03. Except where modified by the conditions attached to this planning permission, the development shall be carried out in accordance with the details shown on plan number(s):

Planning Layout - SC10222/01PL dated 16/05/19  
Fence specifications

both received 20 August 2019.

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

04. Prior to commencement of development, appropriate measures shall be put in place so as to ensure that the adjacent Public Footpath No.58 is protected throughout the entire construction period. No action should be taken to disturb the path surface, without prior consent from the Local Planning Authority. Similarly, no works should be undertaken so as to obstruct the path or in any way prevent or deter public use without the necessary temporary closure or Diversion Order having been made, confirmed in writing the Local Planning Authority and an acceptable alternative route provided.

Reason: In the interests of amenity and in accordance with the NPPF.

**Date of Report:** 2nd October 2019

**Background Papers:** Planning application file(s) 19/03499/FUL