



# Northumberland County Council

## DELEGATED REPORT

<b>Application No:</b>	20/03490/FUL		
<b>Proposal:</b>	Installation of low level safety perimeter barrier around 3 sides of the existing football pitch as per league standard requirements.		
<b>Site Address</b>	Land to rear of Fairfield Park, Fairfield Park, Haltwhistle, Northumberland		
<b>Applicant/ Agent</b>	Mr Benjamin Costello Orchard House, 4 Maltings Court, Alne Station, YO61 1RW		
<b>Ward</b>	Haltwhistle	<b>Parish</b>	Haltwhistle
<b>Valid Date</b>	11 November 2020	<b>Expiry Date</b>	6 February 2021
<b>Case Officer Details</b>	Name: Miss Rachel Campbell Job Title: Planning Officer Tel No: 01670 625548 Email: Rachel.Campbell02@northumberland.gov.uk		

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

### 1. Introduction

1.1 This application falls to be determined under delegated powers, in accordance with the Council's current scheme of delegation.

### 2. Description of the Proposals

2.1 Planning permission is sought for the installation of a low level safety perimeter barrier to three sides of an existing 11-a-side grass football pitch on land to the rear of Fairfield Park in Haltwhistle.

2.2 The proposed safety fencing would measure 1.2 metres in height and would enclose the existing 11-a-side grass football pitch to the north, east and west. The proposed safety fencing would be constructed of white recycled plastic. The supporting information indicates that the proposed safety fencing is required for the safety of the football players and also for the safety of the spectators and is a league standard requirement. The 11-a-side grass football pitch is the home of Haltwhistle Jubilee Football Club and the site is owned by Haltwhistle Swimming and Leisure Centre, who is the applicant.

2.3 The application site is a large grassed area, comprising an 11-a-side football pitch, in the main town of Haltwhistle and within the Haltwhistle Conservation Area. The application site is identified as a Strategic Green Space. The application site is also within an Area of High Landscape Value, is within an Impact Risk Zone for a nearby Site of Special Scientific Interest (SSSI) and is within a low risk coal advice area. A Public Right of Way runs to the east of the application site and follows the Haltwhistle Burn in a northerly direction.

### 3. Planning History

**Reference Number:** 15/02668/DISCON

**Description:** Discharge of condition 8 (drainage) and 9 (construction management plan) on approved planning application 15/01133/FUL

**Status:** Permitted

**Reference Number:** 15/01133/FUL

**Description:** Re-engineering and upgrading of existing football pitch comprising levelling and associated drainage installations to give improved access and use of existing playing field. Construction of vehicle passing place on Willia Road (amended site location plan submitted)

**Status:** Permitted

**Reference Number:** 13/00042/FUL

**Description:** Application for a new planning permission to replace an extant planning permission in order to extend the time limit for implementation - T/20100101 (Removal of condition 8 (playing times) from planning permission reference T/20090788)

**Status:** Permitted

**Reference Number:** T/20100101

**Description:** Removal of condition no. 8 (playing times) from planning permission reference 20090788

**Status:** Permitted

**Reference Number:** T/20090788

**Description:** Amendment to previous planning permission ref: 20050566 (Construction of football pitch and associated development) to revise position of passing place on Willia Road adjacent to the scout hut (amended description)

**Status:** Permitted

**Reference Number:** T/20090308

**Description:** Development : Variation of planning permission 20050566 to adjust positioning of the third passing place on Willia Road; adjust positioning of football pitch, entrance road, car parking area and changing building; alter size and materials of changing

**Status:** Withdrawn

**Reference Number:** T/20050566

**Description:** Construction of football pitch, adjustment of site levels, construction of access road and car parking, construction of changing facilities

**Status:** Permitted

**Reference Number:** T/20050013

**Description:** Construction of football pitch, changing facilities, access road, car parking and associated works (as amended)

**Status:** Refused

**Reference Number:** T/88/E/358

**Description:** Change of use from school playing field to public open space on 2 ha. on land.

**Status:** Permitted

**Reference Number:** C/87/E/632

**Description:** Outline application for residential development on 2 ha

**Status:** Objection

#### 4. Planning Policy

##### 4.1 Development Plan Policy

*Tynedale LDF Core Strategy (2007)*

Policy BE1 – Principles for the Built Environment  
Policy CS1 – Principles for Community Services and Facilities  
Policy GD1 – The General Location of Development  
Policy GD4 – Principles for Transport and Accessibility  
Policy NE1 – Principles for the Natural Environment  
Policy NE2 – Landscape Character

*Tynedale District Local Plan (2000)*

Policy GD2 – Design Criteria for Development  
Policy GD4 – Range of Transport Provision for all Development  
Policy LR3 – Protection of Open Space Facilities  
Policy LR19 – Safeguard Existing and Promotion of New Public Rights of Way  
Policy TP27 – Development affecting Public Rights of Way

##### 4.2 National Planning Policy

*National Planning Policy Framework (NPPF) (2019)*  
*National Planning Practice Guidance (NPPG) (2018, as updated)*

##### 4.3 Other Documents/Strategies

*Northumberland Local Plan (Publication Draft Plan) (Regulation 19) and Proposed Minor Modifications, as submitted on 29<sup>th</sup> May 2019*

Policy ENV 9 – Conservation Areas  
Policy INF 2 – Community Services and Facilities  
Policy INF 5 – Open Space and Facilities for Sport and Recreation  
Policy QOP 1 – Design Principles (Strategic Policy)  
Policy QOP 2 – Good Design and Amenity  
Policy STP 1 – Spatial Strategy (Strategic Policy)  
Policy STP 2 – Presumption in Favour of Sustainable Development (Strategic Policy)  
Policy STP 3 – Principles of Sustainable Development (Strategic Policy)  
Policy STP 5 – Health and Wellbeing (Strategic Policy)  
Policy TRA 1 – Promoting Sustainable Connections (Strategic Policy)  
Policy TRA 2 – The Effects of Development on the Transport Network

#### 5. Consultee Responses

Sport England	No objection.
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Public Protection	No comment/objection.
Highways	No objection.
Haltwhistle Town Council	Support the application.
Countryside/ Rights Of Way	No objection.
Building Conservation	No objection.

## 6. Public Responses

### Neighbour Notification

Number of Neighbours Notified	15
Number of Objections	1
Number of Support	0
Number of General Comments	0

### Notices

Site notice affecting the Conservation Area and Public Right of Way– Displayed on 27<sup>th</sup> November 2020  
 Press notice in Hexham Courant – Published on 23<sup>rd</sup> November 2020

### Summary of Responses:

One representation of objection has been received in relation to this application. The issues raised are summarised below:

- Traffic.
- Car parking.
- Highway safety.
- The proposal would lead to the increase in the number of spectators.
- This is a village green and a public open space. It is not a dedicated football pitch and the proposed installation of the perimeter barrier would restrict the use of the public and their enjoyment of the open space.
- The perimeter barrier would restrict future use of the site.

## 7. Appraisal

7.1 The main considerations in the determination of this application are:

- Principle of the development;
- Design and impact on the Haltwhistle Conservation Area;
- Impact upon residential amenity;
- Highway safety;
- Impact upon the Public Right of Way; and
- Other matters.

### *Principle of the Development*

- 7.2 The application site is located within Haltwhistle, which is identified as a main town under Policy GD1 of the Tynedale LDF Core Strategy. This policy states that main towns should be the main focus for development and also where any large-scale individual developments should be located. This policy follows on to state that *“in all cases the scale and nature of the development should respect the character of the town or village concerned”*.
- 7.3 The Northumberland Local Plan (Publication Draft Plan) was published for consultation in January 2019, with proposed minor modifications submitted on 29th May 2019. In accordance with Paragraph 48 of the NPPF; the policies contained within the document at this stage carry some weight in the assessment of planning applications.
- 7.4 Haltwhistle is identified as a main town under Policy STP 1 of the emerging Northumberland Local Plan (Publication Draft Plan) which relates to spatial strategy. Policy STP 1 states that the main towns will be the main focus for employment, housing, retail and services.
- 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*
  - (c) 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 NE2 of the Tynedale LDF Core Strategy identifies the application site as a Strategic Green Space. This policy states that the value of Strategic Green Spaces, in terms of biodiversity, visual amenity, the character of the area, cultural heritage, recreation and the general health and wellbeing of the community, should be protected and enhanced. This policy seeks to positively manage Strategic Green Spaces and to pursue enhancement schemes and funding packages, where appropriate.
- 7.8 Policy CS1 of the Tynedale LDF Core Strategy sets out the principles for community services and facilities. These principles seek *“to:*
- (a) Retain local shops and other community services and facilities, especially where there are no accessible alternatives;*
  - (b) Address deficiencies in services and facilities and facilitate improvements in their level of provision, quality and accessibility”*.
- 7.9 Policy LR3 of the Tynedale District Local Plan relates to the protection of open space facilities. This policy states *“development which would result in the net loss of public or private playing fields, parks, children’s play areas or amenity open space will not be permitted. However, proposals which:*

- (a) *Lead to the more effective use of existing recreational land and safeguard its use for future generations, or*
- (b) *Provide replacement land for the type of recreational land lost of equal quality and convenience to the user may be permitted”.*

7.10 Policy INF 2 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.

7.11 Policy INF 5 of the Northumberland Local Plan (Publication Draft Plan) relates to open space and facilities for sport and recreation. This policy, which is similar to Paragraph 97 of the NPPF, states *“development proposals that would result in the loss of land or buildings used for recreational use or the loss of Protected Open Space (as shown on the Policies Map) will not be supported unless:*

- (a) *They would be replaced by an area of equivalent or better quantity and quality, in a suitable location; or*
- (b) *An excess of provision in quantitative and qualitative terms is clearly demonstrated; or*
- (c) *The development proposed is for alternative sports and recreation provision, the need for which clearly outweighs the loss of the existing open space”.*

7.12 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.

7.13 The application proposes to install a low level safety perimeter barrier to three sides of an 11-a-side grass football pitch on land to the rear of Fairfield Park in Haltwhistle. The proposed perimeter barrier would improve and update the sports facilities at the site, which would benefit the local community and would be situated in a suitable and practical location. The proposal is considered to enhance this existing recreational/leisure space, which is identified as a Strategic Green Space. Sport England has been consulted on this application and having assessed the application in relation to Paragraph 97 of the NPPF and its own playing field policies, it has no objection. Sport England comments that the proposed development would be ancillary to and would support the principal use of the site whilst not adversely affecting the quantity, quality or use of the playing pitch. The proposed development is considered to be acceptable in accordance with Policies CS1 and GD1 of the Tynedale LDF Core Strategy, Policy LR3 of the Tynedale District Local Plan, Policies INF 2, INF 5, STP 1 and STP 5 of the Northumberland Local Plan (Publication Draft Plan) and Paragraphs 96 and 97 of the NPPF.

#### *Design and Impact on Haltwhistle Conservation Area*

7.14 The application site is located within the Haltwhistle Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

The Council’s Building Conservation team has been consulted on this application to assess the impact of the proposed development upon the character and appearance of the Conservation Area. The Council’s Building Conservation Officer has no objection to the application. It is considered that the design of the

proposed development would not cause harm to the character and appearance of the Haltwhistle Conservation Area.

7.15 The design of the low level safety perimeter barrier is typical of this type of development and would be similar to the design of perimeter barriers at playing fields, leisure centres and sports facilities in neighbouring towns and villages, such as Hexham. The design and appearance of the proposed development would be in keeping with the character of the site and the wider, predominantly residential area. The proposed works would accord with Policies BE1 and NE1 of the Tynedale LDF Core Strategy, Policy GD2 of the Tynedale District Local Plan and Policies ENV 9, QOP 1, STP 2 and STP 3 of the Northumberland Local Plan (Publication Draft Plan) and the principles of the NPPF in this respect.

#### *Impact upon Residential Amenity*

7.16 The application site is located within a predominantly residential area within the main town of Haltwhistle. The site is bounded by residential properties to the west and south and is bounded by Haltwhistle Burn to the north and agricultural land to the east. The properties of Fairfield Park are directly to the south of the application site and the properties of Heatherlands, Aderline Court and Willia Road are directly to the west of the application site.

7.17 The Council's Public Protection team have been consulted on this application and they have no objection to the application. It should be noted that the site is already in use as a playing field and is regularly used for football matches associated with Haltwhistle Jubilee Football Club, the use of which could continue. 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 Policy GD2 of the Tynedale 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.

#### *Highway Safety*

7.18 The Council's Highway Development Management team has been consulted on this application and has no objection to the application. The Council's Highway Development Management team considers that the proposed development would not have an adverse impact upon road safety and has no concerns in relation to highway safety, car parking or traffic matters. The proposed development is considered to be in accordance with Policy GD4 of the Tynedale LDF Core Strategy, Policy GD4 of the Tynedale District Local Plan, Policies TRA 1 and TRA 2 of the Northumberland Local Plan (Publication Draft Plan) and the aims of Paragraph 109 of the NPPF in relation to highway safety.

#### *Impact upon the Public Right of Way*

7.19 There is a Public Right of Way which runs to the east of the application site. The Council's Countryside Rights of Way team has been consulted on this application and they have no objection subject to the Parish of Haltwhistle Public Footpath No. 26 being protected throughout. Policies LR19 and TP27 of the Tynedale District Local Plan relate to safeguarding public rights of way and limiting any potential adverse impacts from proposed development. Policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan) promotes sustainable connections and seeks to protect, enhance and support public rights of way. The proposal would be highly visible from the footpath to the east of the proposed

development. Despite the visibility of the proposal, the proposed development would not disrupt the use of the footpath. The proposed development would not adversely affect the Public Right of Way and would accord with Policies LR19 and TP27 of the Tynedale District Local Plan and Policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan).

### *Other Matters*

7.20 One representation objecting to the application has been received and this comment has been summarised above (Section 6). The representation objecting to the application comments on issues such as highway safety, car parking and traffic. These issues have been addressed in the above “highway safety” section of this report. The objection also raises the issue that the proposal would restrict the use of the open space by the general public. The proposed development in this location is considered to be acceptable as a matter of principle, as fully assessed in the above “principle of the development” section. The playing field is considered to be a suitable and practical location for the proposed development and would be ancillary to the existing facilities at the site. It is still considered to be able to be utilised by the general public for recreational purposes as only three sides of the football pitch would be enclosed.

### *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. 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. 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. Site Location, Drawing No: P 01
2. Site As Proposed, Drawing No: P 04
3. As Proposed Aerial Visual (Not to Scale), Drawing No: P 05
4. As Proposed Aerial Visual (Not to Scale), Drawing No: P 06
5. As Proposed Aerial Visual (Not to Scale), Drawing No: P 07
6. As Proposed 3D Visual & Elevation, Drawing No: P 08
7. As Proposed 3D Visual & Elevation, Drawing No: P 09
8. As Proposed Visuals (Not to Scale), Drawing No: P 10
9. Haltwhistle Swimming & Leisure Centre; Pitch Safety Barrier – Design & Access Statement August 2020
10. Haltwhistle Jubilee FC; Safety Barrier Proposal – Heritage Statement November 2020

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

### **Informatives**

1. The Parish of Haltwhistle Public Footpath No.26 shall be protected throughout. No action should be taken to disturb the path surface, without prior consent from ourselves as Highway Authority, obstruct the path 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.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
<https://www.gov.uk/government/organisations/the-coal-authority>

**Date of Report:** 25.01.2021

**Authorised by:** Neil Armstrong

**Date:** 26 January 2020

**Background Papers:** Planning application file(s) 20/03490/FUL