
APPLICATION DETAILS

Application No:	16/5068/OUT
Location:	Land to South of Scotts Road, Middlesbrough
Proposal:	Outline application for the erection of snow and leisure centre (D2) with retail (A1) and restaurant (A3) facilities and associated car parking and landscaping.
Applicant:	Cool Runnings (NE) Ltd
Agent:	Prism Planning
Ward:	Central
Recommendation:	Approved with Conditions

SUMMARY

Outline planning permission is sought for an indoor snow and leisure centre on land to the north of Middlesbrough Dock, within the Middlehaven sector of the wider town centre on a site which is allocated for mixed use development in the adopted Local Plan.

Being an outline application, consideration need only be given to the principle of the development with the detailed matters of the appearance, layout, scale, access and landscaping of the proposed development being 'reserved matters' which would be considered under a separate application(s) were this outline permission to be granted.

The main points raised from the consultation process and statutory consultees were in relation to flood risk and heritage assets and these have been considered in detail. Following the submission of a revised Flood Risk Assessment, the Environment Agency and the Lead Local Flood Authority are now satisfied that flooding related matters can be adequately dealt with by conditions and further information being submitted at reserved matter stage.

With regards to the scheme and its impacts on heritage assets, these would only relate to the impacts on the setting of such assets and given the specific details of the appearance, scale and layout of the proposed development being matters which are reserved for consideration as part of a further application, a comprehensive appraisal of the impacts on the nearby heritage assets needs to be undertaken at that stage and which would be subject to further consultation. A condition is recommended to achieve this.

The proposed scheme would result in a significant development, which is shown in the indicative plans as exhibiting aspirational contemporary architecture. The scheme would

also create numerous construction and operational jobs and would serve as a significant attractor to inward investment and tourism which are considered to weigh heavily in favour of the development given such benefits form one of the strands of sustainability within the National Planning Policy Framework and are capable of being material planning considerations.

In view of the matters detailed within the report, it is considered that the scheme accords with all relevant local and national planning policy and it therefore recommended for approval subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is an irregular parcel of vacant land of 2.87 hectares situated in the Middlehaven sector of the town centre. The southern boundary of the site wraps around the northern edge of Middlesbrough Dock, to the north and beyond Scott's Road is industrial land and to the west is the Clock Tower and Middlesbrough College.

The application seeks outline planning permission for the erection of an indoor snow and leisure centre with associated restaurant and retail facilities. The accompanying Design and Access Statement specifies that the overall development would create nearly 20,000 square metres of floorspace.

Although the application is outline with all matters reserved (layout, scale, access, landscaping and appearance), indicative drawings have been submitted to illustrate how the proposed development might appear. The drawings show that the overall building could have a maximum height of approximately 45 metres (similar to Temenos), have a slope width of 35 metres and a total length of 170 metres.

It is important that the application is considered in conjunction with the approved application for the Dock Bridge and realignment of Scotts Road as parts of the application site are on land currently occupied by Scotts Road.

A Screening and Scoping Opinion was received as part of the application to ascertain whether or not an Environmental Impact Assessment would be required to support the application. Although the development is within Schedule 2 of the EIA Regulations, it does not meet the other criteria to warrant the submission of an Environmental Impact Assessment.

PLANNING HISTORY

There is no planning history for the site which is relevant to this proposal.

PLANNING POLICY

National Planning Guidance

The Government's guidance is set out in the NPPF, which states that the general principle underlying the town planning system is that it is 'plan led'. Put simply, this means all proposed development that is in accordance with an up-to-date Local Plan should be

approved and proposed development that conflicts should be refused unless material considerations indicate otherwise.

Paragraphs 6-14 of the NPPF give a broad outline on achieving sustainable development. Paragraph 9 states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including improving the conditions in which people live, work, travel and take leisure.

Paragraph 14 states that a presumption in favour of sustainable development is at the heart of the Framework and should be seen as a golden thread running through plan-making and decision-taking. The NPPF requires development proposals that are in accordance with the development plan to be approved without delay.

Paragraph 17 of the NPPF lists 12 core planning principles, which includes promoting mixed use development, proactively driving and supporting sustainable economic development, securing high quality design, enhancing the natural environment, reusing previously developed land, promoting public and sustainable transport.

Specific Government guidance for sustainable economic development is held within chapter 1 of the NPPF. The chapter outlines the Government's commitment to ensuring that sustainable economic growth is supported by the planning system. The importance of sustainability in new development is further emphasised in chapter 4 of the NPPF. This seeks to reduce the need to travel and reduce environmental impacts of transport.

Paragraph 37 states that a balance of land uses within an area should be an aim to encourage people to minimise journey lengths for employment, shopping, leisure and other activities.

It is clear that the Government intends that decisions on planning applications should be in accordance with the relevant Development Plan and that new development should be in accordance with the relevant Development Plan for the area. However, other material considerations can be taken into account by the Local Planning Authority providing they are relevant to the development being proposed. The weight of these other material considerations and how they balance against the policies in the Development Plan is fundamental to the consideration of this application by Members.

Local Policy Context

The relevant policies in the Development Plan regarding this application are:

H2	- Greater Middlehaven
REG20	- Principal Use Sectors
REG23	- Middlehaven Sector
CS14	- Leisure Development
H16	- Greater Middlehaven - Transport
H15	- Greater Middlehaven Development
CS4	- Sustainable Development
CS5	- Design
DC1	- General Development
H1	- Spatial Strategy
CS7	- Economic Strategy

In general terms, these policies seek to achieve high quality development, which minimise the impact on the local area and neighbouring occupiers.

With regard to the adopted Proposals Map of the Local Plan, the proposed development would be located within the Middlehaven sector of the town centre. The Local Plan has policies in place to develop the Greater Middlehaven area as a major mixed use regeneration scheme.

More specifically, however, the application site is positioned within the Middlesbrough Dock section of Middlehaven. This section primarily has a commercial focus on office, leisure, educational and hotel uses. Policy H1 states that development will be delivered through reinforcing and strengthening the role of an expanded Middlesbrough town centre as the principal centre of the Tees Valley region.

Policy H2 identifies the area of Greater Middlehaven for mixed use development, including leisure uses. Whilst H2 provides a general steer on what uses would be acceptable, policy H14 provides greater detail on the quantum of development per use – 5,000 square metres of retail and 30,000-35,000 square metres of leisure use. Furthermore, H14 specifically identifies the area around the Dock for leisure and ancillary retail.

Policy REG20 identifies strategic leisure uses as being appropriate for the Middlehaven sector. In Policy REG23, leisure is, again, identified as an appropriate and permitted use and the policy guides leisure developments up to a maximum of 20,000 square metres floor space. Retail and restaurant proposals are also considered acceptable here and maximum floor spaces for each development type per unit is detailed.

The Local Plan identifies the town centre as the focus for the majority of leisure activity in Middlesbrough. The area of Greater Middlehaven is identified as a location for major leisure development, as part of a wider mixed use scheme. Policy CS14 seeks to deliver a wide and accessible choice of leisure facilities in the town centre to reinforce the role of Middlesbrough at the heart of the Tees Valley city region.

Local policy H15 sets out design principles for all development within Greater Middlehaven. It is noted that the application is in outline form only, but Members should be mindful of this policy when considering the indicative drawings.

Policy H16 seeks to deliver an integrated package of transport infrastructure improvements for Greater Middlehaven, including appropriate car parking infrastructure.

Policy CS4 requires all development to contribute to achieving sustainable development. As well as making the most efficient use of previously developed land, other measures include contributing to sustainable economic development, ensuring everyone has access to (inter alia) shops, leisure, promoting high quality development, protecting and enhancing Middlesbrough's historic heritage and townscape character and locating development that attracts a large number of people in those locations that can be accessed by sustainable forms of transport.

Policy CS4 requires inappropriate development not to be carried out in the floodplain. To that end, it is noted that part of the northern section of the site is within Flood Zones 2 and 3a.

Policy CS4 also requires that biodiversity assets are protected. Coupled with Policy H15, this policy requires development to not harm biodiversity dependent on the River Tees, including the Special Protection Area.

Policies CS4 and CS5 collectively seek to protect heritage assets. The site is in close proximity to listed buildings, including the Transporter Bridge and Dock Clock Tower, requiring consideration to be given as to whether a building to accommodate the scale of development proposed would impact on the setting of the listed buildings.

Policy CS5 further requires all development proposals to demonstrate a high quality of design in terms of layout, form and contribution to the character and appearance of an area. Whilst

the application is in outline form (with all matters reserved) and this policy will be more critical at a reserved matters stage, it is still appropriate to consider the overarching principles of design at this stage.

Policy CS7 explains that the Council will support and encourage employment proposals that assist in the delivery of economic prosperity and developing Middlesbrough's role as part of the heart of a vibrant and prosperous Tees Valley city region.

The Development Plan recognises the historic significance of the Dock. Spatial Objective 4 of the Core Strategy states that the few historic sites that are left in Middlesbrough take on added significance and need to be protected.

The general development criteria set out in Policy DC1 requires that the impact of any proposed development on neighbour's amenity is minimal and that air and noise pollution is limited.

The analysis will now appraise the proposed snow and leisure centre development against these local policies as well as the national planning policies held within the NPPF.

CONSULTATION AND PUBLICITY RESPONSES

The application has been advertised in the local press, site notices have been posted around the site and consultations have been sent to statutory consultees, local residents, ward councillors and the Community Council. A summary of all the comments received is listed below.

MBC Planning Policy - no objections. The site is within Greater Middlehaven and allocated for mixed use development, including leisure uses.

MBC Highways service - no objections subject to various conditions.

Lead Local Flood Authority - no objections subject to a conditions requiring a flood risk assessment and full drainage details.

MBC Environmental Health - no objections subject to conditions.

MBC Conservation - the heritage assets in the local area must be unharmed. A comprehensive assessment can only be made through the submission of full and detailed drawings at reserved matters stage.

Historic England - welcomes the proposals but has requested amendments be made to the proposal to better address the relationship with the nearby heritage assets.

Environment Agency - initially objected to the unacceptable flood risk assessment that accompanies the application. However, there are no objections to the revised flood risk assessment.

Health and Safety Executive - does not advise against the proposed development.

Ward Councillors - no comments received.

Community Council - no comments received.

Public Responses

Number of original neighbour consultations	10
Total numbers of comments received	1
Total number of objections	0
Total number of support	0
Total number of representations	1

PLANNING CONSIDERATION AND ASSESSMENT

1. This is an outline planning application for a significant snow and leisure centre development within the Middlehaven area of the town centre. As it is in outline form only with all matters reserved, it is simply the principle of the proposals that must be considered at this stage. The matters of detail such as the appearance, scale, landscaping, layout and access will be considered as part of a reserved matters submission which would need to be made to the Local Planning Authority and which would be subject to further consultation and consideration.
2. The main planning issues for Members of the Committee to consider in this outline application are the principle of the development, the potential impacts of the development on the nearby heritage assets (most notably, the Transporter Bridge and the Dock Clock Tower), the flood risk associated with the development of the site and implications on the highway network. These and other material planning considerations are considered as follows.

Regeneration and Economic Considerations

3. The proposals will assist the Council's regeneration agenda in a number of ways. Importantly, the proposals will help bring forward significant development on a large, derelict site at the heart of the Middlehaven sector and could facilitate further development and investment in an area widely acknowledged as one of the Council's flagship regeneration sites.
4. Since receiving planning approval in 2005, Middlehaven has witnessed many major redevelopment schemes, including the successful Middlesbrough College building and the numerous associated college projects which now form a campus around the main building. The innovative Community in a Cube (CIAC) building also stands to the south of the Dock. Further west, there are other successful regeneration schemes including Boho 5 and the Urban Park and Urban Pioneers plots, but the areas immediately north of the Dock remain to be developed.
5. The Middlehaven Development Framework by Urban Initiatives identifies the area around the Dock for taller buildings with large footprints and specifies leisure developments with ancillary retail, food and drink uses as being appropriate. This Framework states that the Dock area with its 'large expanse of water and its aspired character' can accommodate buildings of greater height and massing and should show a greater variation in height between buildings. The Framework also notes that the Manhattan Gate development that sits on the southeast side of the Dock with its three-storey height does not provide sufficient enclosure of the Dock, while the College and CIAC developments present an appropriate response in terms of height and massing to the Dock.
6. Although the Framework makes the above observations, it is not overly prescriptive in terms of heights around the Dock to allow flexibility for market-led responses. However, the Framework actively encourages that the height of buildings around the Dock should

not be less than five storeys in order to generate a varied and interesting skyline. Due to the nature of the proposals, which include a 170-metre long downhill ski slope, the indicative drawings show the proposed building to have a range of heights with a maximum height of five storeys. The proposed development with its mix of uses and its overall scale and footprint is considered to be in accordance with the Middlehaven Development Framework.

7. The need for a new vehicular bridge across Middlesbrough Dock was highlighted by the Council as a critical growth component for the area north of the Dock. Members will be aware that this application and the full planning application for the Dock Bridge and the realignment of Scotts Road were submitted concurrently. Whilst the application for the Dock Bridge and new road alignment was approved in September 2016, the application for the snow centre has required greater consideration.
8. Construction work on the approved Dock Bridge is scheduled to commence in May this year. Access via the new vehicular bridge will allow greater permeability to the proposed snow centre site as well as opening up substantial areas of land in the locality that remain undeveloped. The snow centre development would be one of the first major beneficiaries of the new bridge and the Council expects the development to be a catalyst to greater investment in this area, which would be a major boost for the local economy. It is also noted the completion of the 'northern gateway' is the number one key action in the Investment Prospectus for Middlehaven.
9. A further consideration with this application is the number of construction jobs that the proposed developments would create and once in operation, the snow and leisure centre development would open up relatively significant employment opportunities throughout its lifetime. Altogether, an estimated 300 jobs would be directly created by what is estimated as being a £30 million capital build project. It is anticipated that further jobs would be created in supply chains.
10. The snow centre development would offer a truly unique opportunity to diversify and develop the commercial and leisure economy of Middlesbrough, creating a premier visitor destination in the Tees Valley and wider area, being a scheme of regional significance. Modern, niche leisure developments such as snow centres have the ability to act as a major driving force for urban development, changing places into destinations, which has been recognised in other parts of the UK.
11. Given the appeal of a snow centre, the development is likely to attract further inward investment and improve the economic performance of the area through drawing in new custom and expenditure from socio-economic groups and regions that may not have considered visiting Middlesbrough or the Tees Valley area. A strong visitor economy can play a key role in improving the quality of life for local residents, helping address issues such as youth unemployment and worklessness and strengthening the distinctiveness and ranking of Middlesbrough as a place to live, invest and visit.
12. Many benefits, to both the Council and the wider town, can be realised through the scheme such as increased business rates, a new restaurant and leisure offering, secondary opportunities and investor interest on the back of the snow centre being established. The Council has already had a series of enquiries for additional leisure development in proximity to the snow centre, which is an indication of the ability of such a development to attract new investment. These potential economic benefits are material planning considerations and weigh heavily in favour of the scheme.

Indoor Snow Facilities in the UK

13. Snowsport England recently reported that the performance of Team GB at the 2014 Winter Olympics in Sochi has greatly contributed to an increased participation in skiing and snowboarding activities in the UK. The games in Sochi proved to be highly

successful for Team GB, which was widely reported in the media at the time, and Snowsport England reported that outdoor ski slopes and indoor snow centres are becoming more popular. It is also noted that skiing as a pastime is considered to be less exclusive than in the past, which has seen an increase in centres in the UK offering facilities for snow-based sports.

14. The British ski industry was pioneered with the development of the indoor Snowdome at Tamworth, which opened in 1994. There are now six similar indoor snow centres located in various parts of the UK offering skiing facilities - sites include Tamworth, Castleford, Milton Keynes, Glasgow, Hemel Hempstead and Greater Manchester.
15. Of the six sites, the Snozone in Castleford is the nearest indoor snow centre to Middlesbrough and the wider Teesside area, being approximately 70 miles away. Chill Factor at Trafford Park, Greater Manchester is the next closest at approximately 120 miles away. Through the provision of a similar snow centre facility in Middlehaven, there is an enormous opportunity to take advantage of a catchment area the size of the northeast region of England. It is anticipated that the proposed snow centre and the associated development would attract approximately 2.25 million visitors every year, many of which would be additional out-of-area visitors that are not currently coming to Middlesbrough.

Impact on Traffic and Travel Patterns

16. Given the magnitude of the proposed development, a significant issue that needs to be considered is the impact on traffic and the surrounding transport infrastructure. The application was submitted along with a Transport Assessment and Framework Travel Plan. The Transport Assessment has been produced to examine the sustainability of the development and its impact on the surrounding highway network.
17. The site itself is within the wider town centre where access can be achieved through various modes of sustainable transport. The municipal railway and bus stations are approximately 600 metres and one kilometre respectively. This central location is considered highly appropriate for a development of this scale and the anticipated numbers of visitors.
18. The Transport Assessment has been prepared on the basis that the new vehicular bridge across Middlesbrough Dock will be in place when the Snow Centre becomes operational. As noted earlier, planning permission for the bridge was granted in September 2016 and, following the resolution of issues around acquisition of the land required to construct the scheme, works on site are now programmed to commence during May 2017, with a contract period of approximately 12 months. This means that the bridge will be open to traffic before the snow centre comes into operation.
19. The methodology used in assessing the impact of the Snow Centre development on the surrounding highway network was agreed with the Council, as the Highway Authority, during the preparation of the Transport Assessment. As detailed in the Transport Assessment, all of the junctions directly affected by the Snow Centre are predicted to operate within capacity in the future assessment year of 2023. The Transport Assessment also highlights the fact that the site is in a sustainable location, close to the town centre and with good public transport, cycle and pedestrian links, all of which will contribute positively to reducing the impact of the development on the adjacent highway network. It is also worth noting that the busiest times of operation for the Snow Centre will not coincide with the morning and evening peak periods on the highway network, when traffic flows are at their heaviest.
20. The methodology used in calculating the requirement for on-site parking provision was also agreed with the Highway Authority during the preparation of the Transport Assessment, taking the demand profile for each of the proposed uses within the

development into account. Consequently, the Highway Authority is confident that the proposed total of 344 visitor, staff and disabled user parking spaces will be sufficient to meet the predicted demand and ensure that there will be no detrimental impact on the surrounding highway network. The level of cycle parking provision will be agreed with the Council at the reserved matters stage and a suitably-worded condition is recommended to secure this requirement.

21. The Highways service has also recommended a condition requiring the submission of details for temporary car parking during construction and the protection of the highway. This condition is considered appropriate to ensure the surrounding highways remain unobstructed and allow safe passage for highway users during the construction period.
22. Given the proposed size of the development and the likely significant vehicular movements expected, the NPPF strongly encourages the use of Travel Plans as part of developments to maximise the use of sustainable transport modes. A condition for a detailed Travel Plan is, therefore, recommended.
23. In view of the above, the Highways service is satisfied that the proposed development will not have a detrimental impact on the operation of the local highway network. The overall development is considered to be in accordance with the relevant Greater Middlehaven Highway Infrastructure Local Policy H16.

Impacts on Listed Buildings and Other Heritage Assets

24. Middlehaven has long been identified as an area offering an exciting opportunity for mixed use development within the historic core of Middlesbrough's industrial heartland. Similar to the regeneration of other former industrial docklands in the UK, there is potential for the Middlehaven area to combine proud local history with a major local and regional attraction. Over the years, the area immediately surrounding the application site has already undergone significant regeneration, which has included the construction of new high-rise buildings, restoration of the Dock, clearance of derelict buildings and the creation of new public spaces.
25. Evidently, the most monumental development in the Middlehaven area is the Middlesbrough College building, which occupies a site of almost 2 hectares. Given the size of the College building, it was important that its architectural style reflected the local industrial heritage. The overall design and finish was inspired by the historic shipping activities that took place in Middlehaven. It is widely considered that the College building has proven to be a fitting accompaniment to the Dock and complements its setting. It is the planning view that a high quality designed snow centre development could have a similar impact on the adjacent Dock and the wider area being a single, stand-alone building of significance.
26. The application site itself lies within the setting of a number of heritage assets, most notably the two iconic structures of the Transporter Bridge (Grade II*) and the Dock Clock Tower (Grade II). Despite their historic context being lost over time due to the loss of significant industry in their immediate vicinity, the Dock Clock Tower and the Transporter Bridge remain important landmarks in the locality, emblematic of the industrial heritage of Middlesbrough. Moreover, given the significant regeneration that has taken place and the associated clearance of much of the surrounding industrial landscape, the prominence of these historic structures has increased and there are now key views from various directions.
27. The Transporter Bridge is an iconic symbol of the town of Middlesbrough and features heavily on logos of organisations representing the town - the Council being one. Outside of the local area, the Transporter Bridge is closely associated with and even suggestive of the Middlesbrough name. Not only can it be seen from many locations across the town centre, given its stature it is easily perceptible from much further afield

and can be viewed as far away as the Cleveland Hills. The significance of the Bridge lies primarily in its early importance as an engineering solution and safe alternative to crossing the river by ferry.

28. In terms of the impacts of the proposed scheme on the Transporter Bridge, it is considered that the bridge gains its significance from its industrial heritage which has largely changed in the immediacy of the site as well as the overall scale of the bridge and its prominence in the wider landscape. The proposed scheme will have no influence over the heritage of the bridge and, as a result of the scale of the bridge (overall bridge height approximately 68 metres) and separation distance from the application site (over 450 metres), it is considered that the proposed development will have only a minor impact on what is a structure of regional significance. The prominence of the Transporter Bridge will continue to allow it to have dynamic views from many viewpoints.
29. The Dock Clock Tower is positioned where the thoroughfares of Scotts Road, Vulcan Street and Dock Street converge and at the northern end of the pedestrian promenade that runs between the College building and the Dock. The original Clock Tower was demolished in 1870 and replaced by the current one, which doubled as a clock tower and a water tower. This dual use led to its unique architectural shape – a bulky bottom half to house the water storage vessels and a slender top for the clock. The water tower element housed two water storage tanks that once provided hydraulic pressure to operate the gates at the entrance to the Dock. Famously, the clock tower element has only three clock faces. The fourth side, which faces the river, was supposedly left blank to prevent shipyard workers from 'clock watching'.
30. Being slightly lower than the proposed building and within its immediate proximity, it is considered that the Dock Clock Tower will be the heritage asset most impacted upon by the proposed development. This is a view shared by the Council and Historic England. Contrary to that of its heyday, the Dock Clock Tower now stands solitary in a cleared environment, which is not the setting in which it was previously accustomed to and therefore somewhat artificial and which arguably results in the Dock Clock Tower appearing somewhat lost in the open landscape.
31. With this largely unobstructed landscape and the location of the Dock Clock Tower at the convergence of four thoroughfares, its setting is enjoyed from various directions. It is the planning view that the setting of the Dock Clock Tower could be improved through the provision of appropriate development in the local environment and also being able to bring people in closer proximity to it on a regular basis allowing a greater appreciation of its importance. However, such new development around the Dock must be designed and arranged appropriately to minimise the potential harm to the setting of the Clock Tower.
32. Although it is not possible to consider the design of the development, as this will be determined at the reserved matters stage, the indicative drawings that have been submitted with the application have been used by Historic England to assess the impact of the proposals.
33. In their comments, Historic England states that it welcomes the principle of the development as it recognises the opportunity to integrate the nearby heritage assets into the wider regeneration of Middlehaven. Historic England also welcomes the orientation of the ski slope, with the highest point furthest away from the Clock Tower, and the position of the complex around the Dock to increase activity in this location.
34. Notwithstanding the above points, Historic England recognises the ability for a large building of this nature to have an impact on the setting of the Listed Clock Tower and

that the closest elements of the proposed building and the views towards the Tower need careful consideration, which can be undertaken at reserved matters stage.

35. The Council acknowledges that the final design of the development must be of a high quality and have an arrangement that does not harm the setting of the Dock Clock Tower. These comments have been passed on to the developer who is aware that the detailed design of the proposals will need to take account of these settings. An informative is also recommended to address this matter.

Flooding Implications

36. Although the majority of the site is located in Flood Zone 1 (very low risk of flooding), the northern section of the site is situated within Flood Zones 2 and 3 (those at greater risk of flooding). As the development site is greater in size than 1 hectare, national planning legislation requires a site specific flood risk assessment (FRA) be carried out to ensure that the development is safe from flooding and will not increase the risk of flooding elsewhere. In order to consider the flooding implications, the application has been supported by a detailed FRA and the Lead Local Flood Authority and the Environment Agency have been consulted accordingly.
37. In discussions with the Environment Agency, it is understood that the risk of flooding at this site is tidal rather than fluvial, being positioned adjacent to the River Tees.
38. Flood related requirements on this application would relate to the positioning of the building(s) and their associated floor levels and the installation of a suitable sustainable drainage system.
39. It is acknowledged that the proposals are in outline form with all matters reserved and the submitted indicative drawings neither show accurate finished floor levels nor a final layout for the development. However, the finished floor levels are set within the FRA and a condition is recommended to ensure these are achieved. In terms of the layout, the submitted drawings indicate that the proposed snow centre building would be located on the higher ground at the south and east sections of the site where there is a lower risk of flooding. The car parking is indicated as being located in the northwest corner within the higher risk Flood Zones 2 and 3 and this arrangement is considered to be acceptable.
40. The development of this site will lead to an increase in permeable surfaces and a suitable site drainage strategy will further minimise flood risk. Suitably-worded conditions are recommended to secure the necessary drainage for the appropriate development.

General site layout

41. The suitability of siting the car park within the northern section of the site, within Flood Zones 2 and 3, has been evaluated previously and is considered an acceptable layout from an Environment Agency perspective. From a planning viewpoint, the position of the car parking area to the north would allow vehicular access/egress to benefit from the new layout of Scotts Road, which itself would be served by the new vehicular bridge across the Dock. With the car park in the northern section, this would allow the main building to be positioned directly adjacent to the Dock, which adds a sense of closure to its northern side. The indicative site layout shows the principal frontage of the building facing towards the Dock, which would allow the building to be seen from the many public vantage points from the south, which includes all local pedestrian and vehicular routes as well as the railway lines and A66.
42. This outline application does not provide hard and soft landscape details, but a general landscape scheme that is suitable for the site would form part of the reserved matters submissions, should outline permission be granted.

Conservation/Ecology

43. Due to the location of the proposed development, it is important to ensure that there are no adverse impacts on protected flora and fauna.
44. The submitted Ecological and Habitats Regulations Assessment reports no rare or unusual plants or habitats within the site boundaries. In terms of roosting bats, the report detailed no records or evidence from the site or in the nearby Dock Clock Tower and the general locality is considered to be of poor quality habitat with no connectivity for bats.
45. The submitted Assessment also detailed no evidence of birds breeding from the site or at the Dock Clock Tower. The site offers no realistic opportunities for nesting. However, by the time works commence on site, there may be birds at the site which must be protected. A condition is recommended to ensure satisfactory protection for birds.
46. The changes to the boundaries of the Teesmouth and Cleveland Coast Special Protection Area (SPA) bring it to within 100 metres of the development site. However, it is noted that the development site is unsuitable for use by the key species of the SPA. Moreover, as the development would be partly screened from the River Tees by the large industrial buildings, it is considered that the likely impacts on the SPA and its ecological features would be neutral.
47. The southern part of the site is amenity grassland, which is regularly disturbed by mowing and the northern part has been recently treated with herbicide to remove its cover. Three locally important species of butterfly have been recorded in the locality (with one at the site) but habitats are largely unsuitable due to the mowing regime and following treatment with herbicide.
48. In view of these points, it is considered that the development site is of negligible value to the conservation status of all protected species primarily due to its location within an area of former heavy industry with little vegetation, that is highly disturbed by development activities, as well as being affected by new and greater pedestrian movement in the area, and being brightly lit at night.

Overall Conclusions

49. The analysis has reported that the snow centre development with its associated leisure, retail and restaurant elements will have a noteworthy beneficial impact on the physical and economic regeneration of Middlesbrough. It is considered that the overall proposals would have a significant positive impact on the local economy and assist economic growth in the flagship regeneration site of Middlehaven as well as the wider town centre, being in accordance with the economic element of sustainable development as well as local policy CS7.
50. In terms of the social element of sustainable development, it has been analysed that the proposals would allow residents in the local area access to a high quality and niche leisure facility, of which there is no similar facility in the north east region of England. The associated retail and restaurant that would be integrated into the leisure facility would offer a unique local attraction that local residents can enjoy on their doorstep. Moreover, large leisure developments can often be utilised by local schools as part of their educational and recreational syllabus. It is considered, therefore, that the proposals are in accordance with the social component of sustainable development.
51. The final strand of sustainable development, the environmental component, is also considered to be complied with. A continuing theme in Government guidance is the use of brownfield land, which given the long history of the application site, clearly is. The

accompanying assessments have provided comfort to the Council and statutory bodies that the impacts on the environment and the surrounding area would be wholly acceptable. The proposals would also dramatically alter and improve the local built environment through developing a large, key development site into a positive statement for Middlehaven. Mindful of the above, the development is considered to be in accordance with the national sustainable development principles.

52. The potential impacts of the development on the nearby heritage assets have been fully considered and it is the Planning view that the scheme can be achieved with only limited impacts on nearby listed structures and their associated significance, some of which will arguably be impacts of a positive nature.
53. The developer has shown that the proposals would be accessible by a range of transport options in order to give maximum choice to customers of the range of uses. The range of transport options conforms to the sustainable theme in Government guidance held in chapter four of the National Planning Policy Framework. The Framework Travel Plan submitted with the application puts forward a commitment to sustainable transport measures and a condition is recommended to secure these measures.
54. The overall scale and type of development proposed would evidently contribute towards reinforcing and strengthening the role of the expanded town centre as the principal centre within the Tees Valley city region for leisure activities. There are very few similar leisure developments of this nature in the country and none in the region. As such, the proposals would be in accordance with the strategy policy H1 and Middlehaven policies REG20 and REG23.
55. Although the area of Middlehaven is recognised as a location for mixed use development, a condition is recommended to limit elements of the proposed development in line with the floor space allocations outlined in Local Policy H14. This condition would also ensure that the principal use of the development would be leisure with the associated retail and restaurant elements as secondary features.
56. The Environmental Health service has no objections to the proposals but has recommended a number of conditions to ensure an appropriate development that does not unduly harm the general amenities of nearby residents and the users of the Middlesbrough College site. These conditions include one to ensure a satisfactory decontamination of the site in the interests of all future occupiers of the site, as well as conditions requiring appropriate noise attenuation and ventilation to minimise impacts on the surrounding premises.
57. Clearly the outline nature of the application does not enable the Council to consider the development in line with the design criteria of CS5 or H15. However, the indicative drawings and illustrations are considered to represent functionally innovative and contemporary architectural styles sought by these policies.
58. In the case of this outline application, it has been analysed that the development constitutes an acceptable form of development in principle, subject to the conditions listed. It is, therefore, the officer recommendation to approve this application conditionally.

RECOMMENDATIONS AND CONDITIONS

Approved with Conditions

1. Outline Permission: All Matters Reserved

An application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission. The reserved matters will detail the means of access, the appearance, the landscaping, the overall layout and scale of the outline development hereby approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Act 2004 and to reserve the rights of the Local Planning Authority with regard to these matters.

2. Time Period for Commencement

The development hereby permitted shall be begun not later than:

- (i) The expiration of 5 years from the date of this permission; or
- (ii) The expiration of 2 years from the date of approval of the final reserved matter(s) to be approved, whichever is the later.

Reason: The consent is in outline form only and to protect the rights of the Local Planning Authority.

3. Samples of Materials

The development hereby approved shall be carried out in full accordance with a schedule of external finishing materials which shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development.

Reason: To ensure a high quality appearance of development in accordance with the requirements of the National Planning Policy Framework.

4. Temporary Parking During Construction and Protection of Highway

Before the construction of the buildings hereby permitted commences, a plan showing the location of temporary car parking to accommodate operatives and construction vehicles during the development of the site and measures to protect any existing footpaths and verges shall be submitted to and approved in writing by the Local Planning Authority and implemented upon commencement of construction. The approved parking area shall remain available throughout the construction phase of the development and shall be removed on completion of the works.

Reason: In the interests of amenity and highway safety and to comply with the general principles of the National Planning Policy Framework.

5. Approved Flood Risk Assessment

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 24/02/2017 by RAB version 1.0 and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 4.44m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

6. Flood Evacuation Measures

No development approved by this planning permission shall take place until such time as a scheme for the flood evacuation has been submitted to, and approved in writing by, the local planning authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme.

Reason: To ensure safe access and egress from and to the site.

7. Sustainable Drainage Systems

Before the construction of the buildings hereby permitted commences, a scheme for a Sustainable Drainage System (SuDS) and management plan, which shall sustainably drain surface water, minimise pollution, manage the impact on water quality and prevent water from flowing onto the public highway, shall be submitted to and approved in writing by the Local Planning Authority and thereafter to be fully implemented in line with the agreed programme of works.

Reason: In the interests of highway safety, to minimise the risk of flooding and to secure a sustainable development in accordance with local policy CS4 and the general principles of the National Planning Policy Framework.

8. Travel Plan

Within three months of the date of the development hereby approved being open to the public, a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall contain details of:

- (i) Measures for reducing car dependency, reducing the need to travel to the site by car, and reducing congestion,
- (ii) Promoting alternative modes of transport such as walking, cycling and the use of public transport,
- (iii) Targets and programme for the achievement of those initiatives.

The approved Travel Plan shall then be implemented in accordance with the approved details within three months of the date of its approval in writing by the Local Planning Authority. The Travel Plan shall then be operated for at least one year from the date of its first implementation and during this period the effectiveness of the Travel Plan shall be monitored by a suitable person nominated by the applicant. At the end of this one-year period, the nominated person shall report on the achievements of the agreed targets on a bi-annual basis to the Local Planning Authority in writing.

Reason: In accordance with the Transport Strategy (CS17) of the Local Plan and to promote sustainable transport (paragraph 36 of the NPPF).

9. Details of Cycle Parking Provision

Before the use hereby approved is brought into operation, cycle parking shall have been provided on site in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall remain in place and operational for the lifetime of the development.

Reason: To provide for sustainable transport opportunities in accordance with the guidance of the National Planning Policy Framework.

10. Site Investigation and Remediation

Before the commencement of any development works hereby approved, a full and competent site investigation, including a risk assessment, to identify any contamination present and to specify any remediation works which may be needed to be carried out to the site in order to bring it to a standard suitable for use, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, any remediation works required shall be carried out in accordance with the approved details prior to the commencement of the development. Prior to the commencement of development on site, validation of the remediated site shall be provided in the form of a detailed completion statement confirming that works set out and approved by the local planning authority were completed and that the site is suitable for its intended use.

Reason: To ensure the appropriate decontamination of the site in the interests of safety, local amenity, and the amenity of the future occupiers of the site.

11. Noise Emitted from Site

An assessment of noise impact upon any neighbouring residential properties and educational establishments either in existence or with the benefit of planning approval at the time of this decision shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on site (other than remedial clearance works). The assessment shall include, noise from the use of the entertainment facilities located inside and in external areas and as a result of the use of the car park. The assessment shall include details of any measures identified to protect neighbouring residential premises and educational premises from noise. Noise criteria for the assessment are to be agreed before the assessment is undertaken. Any measures identified in the approved assessment to protect residents or education establishments shall be implemented in full prior to the building and site hereby approved being brought into use and shall be maintained and operated in perpetuity in accordance with the details of the report.

Reason: In the interests of the amenities of the area and the surrounding premises in accordance with the requirements of the National Planning Policy Framework (para. 17).

12. Sound Insulation of Plant/Machinery

A BS: 4142 noise assessment for fixed plant and equipment, including extract ventilation units and deliveries and collections from and to the development shall be submitted to and approved in writing by the Local Planning Authority before the use hereby approved is brought into operation. The assessment shall identify predicted noise levels at the site and their associated impact upon neighbouring residential properties either in existence or with the benefit of planning approval at the time of this decision. The assessment shall detail a scheme of mitigation to control noise to a level to be agreed before the assessment is undertaken. The assessment shall include an assessment of noise impact upon neighbouring educational facilities due to noise from the above sources. The assessment shall demonstrate the ability to meet a noise criteria appropriate for educational uses which has been agreed with the Local Planning Authority before the assessment is undertaken. Any measures identified in the noise assessment to protect residents/educational establishments from noise generated from the site shall be implemented before the use of the development commences and maintained in place and operational while ever the use is in operation.

Reason: To ensure that satisfactory noise attenuation measures are carried out and in the interests of the amenities of the area and to accord with the requirements of the guidance contained within the National Planning Policy Framework (para. 17).

13. Ventilation and Fume Extraction

Details of a ventilation and fume extraction system suitable for uses within class A3 and A5, including a full technical specification by a suitably qualified technical professional person, specifying the position of ventilation fume or flue outlet points and the type of filtration or other fume treatment to be installed and used at the premises in pursuance of this permission shall be submitted to and approved in writing by the local planning authority prior to the first opening to the public of the respective unit and shall be installed in accordance with the approved scheme before the development hereby permitted commences and thereafter shall be retained in full accordance with the approved details. The approved ventilation and extraction system referred to in this condition shall be operated and maintained in perpetuity in accordance with the manufacturers recommendations including the frequency of replacement filters.

Reason: To ensure that a satisfactory means of ventilation is provided.

14. Hours of Use, Collections and Deliveries

Before the first use of the premises hereby approved, details of the proposed hours of use, including hours of deliveries and collections, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the individual approved units shall be operated in accordance with the approved hours unless the local planning authority gives its written consent to any variation.

Reason: In the interests of the amenities of the area and local residents.

15. Details of External Lighting

No external lighting, including floodlighting, shall be erected other than in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The details shall include a plan which identifies the location of lighting along with lighting levels that will be provided at the development and at the facades of neighbouring premises in accordance with the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light 2011'. The construction and use of the floodlighting shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the area and for an appropriate lighting scheme.

16. Details of Hard Landscaping and External Furniture

A detailed scheme showing the hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and any approved scheme shall be implemented on site as part of the approved development and prior to the first use of the premises.

The hard landscaping works shall include proposed finishing levels and contours within the site, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials, minor artefacts and structures (e.g.; furniture, play equipment, refuse or other storage units, signs, lighting, etc.)

Reason: To ensure the satisfactory implementation of hard landscaping and external furniture in the interests of the visual amenities and landscape features of the area.

17. Landscape Management Plan

A landscape management plan, including management responsibilities and maintenance schedules for a minimum of five years, and including arrangements for its implementation, for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any part of the development for its permitted use. The management plan shall provide for

replacement of landscaping that fails within the first 5 years of its existence. Thereafter, the approved landscape management plan shall be carried out as approved.

Reason: To ensure the satisfactory implementation of an approved landscaping scheme in the interests of the visual amenities and landscape features of the area.

18. Restrictions on Internal Floorspace

The floorspace within the building hereby approved shall be limited to an overall area no greater than 20,000 square metres with:

- Not more than 25% dedicated to complimentary leisure uses,
- Not more than 25% dedicated to retail and restaurant facilities,

Any proposals to increase the floorspace for any of these approved uses will require the prior written approval of the Local Planning Authority.

Reason: To define the permission and to ensure the proposal would operate in an appropriate manner identified within the application.

19. Site Clearance and Protection of Nesting Birds

Any works to clear the site in preparation for development (including removal of vegetation and any groundworks) should be initiated outside of the bird breeding season (March to October). If preparatory site clearance works cannot be undertaken outside of the bird breeding season, a suitable methodology for undertaking site clearance works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved methodology shall be carried out on site.

Reason: To provide adequate protection for nesting and breeding birds.

20. Desk-Based Archaeological Assessment

Prior to the commencement of development hereby approved, including site clearance, a desk-based archaeological assessment shall be completed and a report of the results shall be submitted to and approved in writing by the local planning authority. Thereafter a scheme for the implementation of any additional archaeological works identified as required by the desk-based assessment shall be submitted to and approved in writing by the local planning authority and implemented on site prior to the development commencing.

Reason: To ensure that a proper and permanent historical record is made of any archaeological remains that may be identified at the site can be recorded in accordance with the requirements of the guidance contained within the National Planning Policy Framework.

REASON FOR APPROVAL

This application is acceptable as the proposed snow and leisure centre with associated retail (A1) and restaurant (A3) situated on land to the south of Scotts Road is in full accordance with the relevant national and local planning policies (H2, REG20, REG23, CS14, H16, H15, CS4, CS5, CS7, DC1 and H1).

In particular, the proposed development adheres to the principles and guidance contained within the National Planning Policy Framework and the policies regarding sustainable development, the efficient use of land, transport and accessibility, appropriate measures to mitigate flood risk, conserving and enhancing the historic environment, and it would not be

detrimental to the amenities of local residents and other neighbouring uses. Moreover, the proposed mixed use development would be situated in an appropriate location being within an area allocated for such uses.

Accordingly, the Local Planning Authority considers that there are no material planning considerations that would override the general assumption that development be approved unless other material factors determine otherwise.

INFORMATIVES

Notwithstanding the approval of this application for outline permission, it must be noted that the indicative layout and elevations submitted with the outline application do not necessarily represent an appropriate form of finished development and any reserved matters application will need to be accompanied by detailed floor plans and elevations for consideration by the local planning authority.

Should further sources of pollution be introduced by the time a reserved matters application is submitted, the Air Quality Assessment (AQ101407R2) may need to be updated to reflect these changes.

The proposed snow centre development shall be in accordance with the principles set down within a Design Code, which must be submitted with the application for the reserved matters approval. The Design Code shall set the parameters for the massing, overall height, layout, architectural style and materials of the proposed development and will allow the Local Planning Authority and Historic England to assess the full impact of the proposals on the local heritage assets in proximity of the site.

Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to future occupants and users of the Snow Centre. The car park is the most vulnerable area with depths of flooding stated in the FRA at 89cm during the 0.5% AEP flood event. The FRA fails to address how the business would operate the carpark in times of an extreme flood events in particular stopping people accessing the car park and stopping cars being parked here. A way forward would be to have a process and procedure in place to deal with this eventuality. Without a robust plan in place, such as signage in the car park and signing up to the flood warning service, this could be a potential risk and a plan needs to be agreed and approved by the local planning authority and emergency planning team.

In section 4.1.3, the FRA mentions that resilience should be considered. It is strongly recommended that resilience measures be considered that are suitable for the 0.5% AEP flood event plus the 96cm stated in the FRA to accommodate for sea level rise due to climate change. This should be submitted to the local planning authority.

Case Officer: Peter Wilson

Committee Date: 31st March 2017

