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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>16/5024/OUT</b>
<b>Location:</b>	<b>Acklam Iron And Steel Works Athletic Club Park Road South Middlesbrough TS4 2RD</b>
<b>Proposal:</b>	<b>Outline residential development comprising 96no dwelling houses and 28no apartments</b>
<b>Applicant:</b>	<b>Mr P Hall And Mr L White</b>
<b>Agent:</b>	<b>Mr C Fitzakerly</b>
<b>Ward:</b>	<b>Longlands/Beechwood</b>
<b>Recommendation:</b>	<b>Approved subject to 106 Agreement</b>

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**SUMMARY**

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This application seeks outline consent with some matters reserved (including appearance, layout and scale), for the erection of up to 96 dwelling houses and 28 apartments, with associated works on the site of the existing Acklam Iron and Steelworks Athletic Club which is currently made up of a club house building and overgrown and currently unused sports pitches. This application therefore only seeks permission for the principle of development and the site access.

The site is allocated for housing development in the Housing Local Plan although this application is a departure from the Housing Local Plan in that it proposes more dwellings than the site is allocated for, and the proposed scheme is not intending to retain a sports pitch at the site.

Following a consultation exercise one objection was received from a nearby resident. Concerns were raised by the Ward Councillor regarding the layout and flooding matters, and an objection has been received from Sport England relating to the loss of sports pitches/field.

This application is considered in conjunction with application 16/5038/FUL for the erection of a Social Club and associated car parking to the north of the application site to replace the existing club facilities which are to be demolished.

It is the planning view that, on balance, the development of residential dwellings on this site is acceptable in principle. Although the number of proposed dwellings is in excess of that stated in policy H33, the development will contribute towards the requirements of policy H11 providing houses in an affordable area of the town. Issues relating to flooding have been

resolved, and the loss of the sports provision on site is considered to not be significantly detrimental to the amenities and wellbeing of residents in the town, subject to a financial contribution towards the replacement of an adult sports pitch in the town being provided. In instances where there is an objection from Sport England and the application is intended to be approved, the Local Planning Authority are required to give Sport England the ability to seek the application being 'Called in' for the determination of the Secretary of State. As such, the recommendation is: To be minded to approve the application subject to conditions and a s106 agreement.

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## **SITE AND SURROUNDINGS AND PROPOSED WORKS**

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The application site is part of the Acklam Iron and Steel Works Athletic Club located on the south side of Park Road South to the east of the junction with Valley Road. The site comprises 2.18 hectares of mainly open space land previously used for sports provision. The existing club building and parking facilities are located to the north of the site. Existing residential dwellings are located to the east, south and west. To the north is the Clairville housing development and open space.

This application seeks outline consent with some matters reserved, for the erection of up to 96 residential dwelling houses and 28 residential apartments, together with associated works. The number of units has reduced from the original submission following consultation responses relating to flood risk and parking provision.

In support of the application the applicant has submitted the following documents:

- a) Planning Statement
- b) Design and Access Statement
- c) Flood Risk Assessment
- d) Transport Assessment
- e) Noise Statement

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## **PLANNING HISTORY**

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16/5038/FUL Erection of social club and associated car parking

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## **PLANNING POLICY**

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In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- a) The provisions of the development plan, so far as material to the application;*
- b) Any local finance considerations, so far as material to the application; and*
- c) Any other material considerations.*

The following documents together comprise the Development Plan for Middlesbrough;

## Middlesbrough Local Plan;

- *Housing Local Plan (2014);*
- *Core Strategy DPD (2008, policies which have not been superseded/deleted only);*
- *Regeneration DPD (2009, policies which have not been superseded/deleted only);*
- *Tees Valley Joint Minerals and Waste Core Strategy DPD (2011);*
- *Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011);*
- *Middlesbrough Local Plan (1999, Saved Policies only); and*
- *Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).*

The overarching principle of the National Planning Policy Framework (NPPF) is to support sustainable development, and that it should go ahead without delay. It defines the role of planning in achieving economically, socially and environmentally sustainable development and recognises that each are mutually dependent. The NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles', which can be summarised as follows:

- *Being plan led;*
- *Enhancing and improving areas;*
- *Proactively drive and support sustainable economic development to deliver homes, business, industry and infrastructure and a thriving local economy;*
- *Always seek a high quality of design and good standard of amenity for existing and future occupants;*
- *Take account the different roles of areas, promoting the vitality of the main urban areas whilst recognising the intrinsic character of the countryside;*
- *Support the transition to a low carbon future, taking full account of flood risk, resources and renewables;*
- *Contribute to conserving and enhancing the natural environment;*
- *Encourage the effective use of land;*
- *Promote mixed use developments;*
- *Conserve heritage assets in a manner appropriate to their significance;*
- *Actively manage patterns of growth making fullest use public transport, walking and cycling and focus significant development in sustainable locations; and*
- *Take account of local strategies to support health, social and cultural well-being and deliver community and cultural facilities to meet local needs.*

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

DC1 - General Development  
CS4 - Sustainable Development  
CS5 - Design  
H11 - Housing Strategy  
H12 – Affordable Housing  
H33 - Acklam Iron and Steelworks Club

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.  
<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

## CONSULTATION AND PUBLICITY RESPONSES

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The application has been advertised in the local press, site notices posted and consultations sent to statutory consultees, local residents, Ward Councillors and Community Council.

Following the consultation process one objection was received from a local resident, it is summarised below:

141 Cumberland Road

- a) Close to adjoining properties;
- b) General dislike of proposal;
- c) Inadequate access;
- d) Inadequate parking provision;
- e) Increase danger of flooding;
- f) Increase in traffic;
- g) More open space needed on development;
- h) Noise nuisance;
- i) Additional burden on highway network;
- j) Loss of green space; and,
- k) Loss of sports provision.

Consultee Responses are as follows;

### Ward Councillors

Concerns raised regarding flooding and the lack of mitigation and a poor indicative layout.

### MBC Highways –

concerns raised relating to the indicative layout and the parking provision.

### MBC Lead Local Flood Authority

No objection subject to conditions relating to surface water drainage.

### MBC Planning Policy

Concerns raised regarding the indicative layout

### Environmental Health

No objection subject to a condition relating to site contamination.

### MBC Refuse

No objection

### Northumbrian Water

No objection subject to a condition relating to foul and surface water.

### Environment Agency

No objection subject to condition relating to the development being carried out in accordance with the Flood Risk Assessment.

### Northern Gas

No objection

### MBC Education

No formal response

### Ramblers Association

We recognise the outline nature of the application. We would hope that, if the council is minded to give permission at this stage, it will seek at subsequent stages better amenities for residents more in line with Part 8 of the National Planning Policy Framework and complementary guidance.

#### Cleveland Police - Secured by Design

Recommend the following:

- a) The development is carried out to secured by design standards; the Police Architectural Liaison Officer is happy to discuss the application and give advice;
- b) Any rear parking should be gated / secure courtyard parking;
- c) Avoid excessive permeability;
- d) Lighting within the parking areas to BS5489:2013 standards, this should include any non adopted shared drives;
- e) Boundary treatments to public areas on rear and sides of properties should be 2m high close boarded. Side access gates should be level with front elevations and lockable. Sub divisional boundaries should be at least 1.8m high;
- f) Rear boundaries along the pathway at the southeast corner should be at 2.4m high;
- g) Dusk till dawn lighting should be installed on the dwellings; and,
- h) Consideration should be given to CCTV in communal areas of apartments.

#### Sport England

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 74) and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England' (see link below):

[www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

#### The Proposal and Impact on Playing Field

The proposal seeks outline permission for residential development on 1.8Ha of playing field.

#### Assessment against Sport England Policy/NPPF

For Sport England not to object to development which results in the complete loss of playing field, the development must comply with either exception E1 or E4.

Sport England considers that the only way that an understanding of whether pitches at an individual playing are needed (or not) is through a local authority-wide review of playing pitch supply compared to demand from teams. This is most commonly in the form of a playing pitch strategy. Middlesbrough has an up-to-date Playing Pitch Strategy (PPS) adopted in 2013.

Our understanding of this work is that there are deficits around certain sports / age groups that need to be tackled. As such exception E1 is not considered to pertain to this application.

The Planning Statement submitted with the application makes brief reference to replacement playing field provision, but there is no further detail within the application. If the playing field were to be replaced by a new area of playing field of equivalent size and quantity in accordance with exception E4 then Sport England's playing field policy might be met. At present however the proposal is not considered to comply with either exception E1 or E4.

#### Community Council

No response

#### **Public Responses**

Number of original neighbour consultations	156
Total numbers of comments received	2
Total number of objections	1
Total number of support	0
Total number of representations	1

Site notice posted –  
22nd August 2016

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### **PLANNING CONSIDERATION AND ASSESSMENT**

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1. The application subject of this report is an outline application with some matters reserved. As such, should this application be approved, details of the house types, appearance, layout, and scale are reserved for consideration under a separate application at a later date as would be the overall landscaping of the site. This analysis will therefore focus on the principle of up to 96 dwellings and 28 apartments on the site, and the access to the site.
2. In light of this it is drawn to Members attention that the details which have been submitted as part of the application in respect of layout, housing design and landscaping are only indicative and illustrative of how the site could be developed. The comments received in respect of the detail of the development therefore have more relevance at the reserved matters stage should this application be approved.
3. Following the consultation process and comment received, revised plans were submitted reducing the number of dwelling houses from 97 to 96 and reducing the number of apartments from 40 to 28. Given that the application is outline with scale, layout and appearance reserved for consideration at a later stage the exact number of dwellings may reduce further to ensure a satisfactory form of development taking into consideration internal road layouts, parking provision and scale.

#### Policy and Principle of Development

4. Policy H33 of the Housing Local Plan allocates the site for 30 dwellings. The Policy sets out expectations that housing proposals will:
  - reflect the housing types in the surrounding area;
  - take account of surface water flooding issues and maximise opportunities for SUDs;
  - not be located within the part of the site within flood zone 2 which will be laid out as a senior pitch and the developer will be required to provide changing facilities; and,
  - not be permitted until re-provision of the junior pitch has been made elsewhere.

5. The application proposes a range of house types from 2 bed flats to 4 bed detached dwellings. The majority of the properties shown on the indicative layout are terraced properties/townhouses which reflect housing types to the east of the site. However, it is noted that the application is outline only and as such the house types and layout are only indicative at this stage.
6. There is no requirement under Policy H12 for affordable housing provision for development within this area.
7. The proposed development includes the provision of up to 124 residential units, this is greater than the 30 the policy states, and it does not propose the retention of the senior pitch on the site. Whilst no policy objections were received in relation to the number of units proposed, or the loss of the playing field, attention was drawn to the consideration of the level of dwellings proposed and whether or not they can be satisfactorily accommodated on the site having regard to flood risk issues.

### Flood Risk and Drainage

8. Following initial objections from the Environment Agency and the Lead Local Flood Authority a revised flood risk assessment has been submitted.
9. The northwest section of the site is within flood zone 2. This means that the land is assessed as having between a 1 in 100, and 1 in 1000 annual probability of river flooding or between a 1 in 200 and 1 in 1000 annual probability of sea flooding in any year. Land within flood zone 2 is defined within government guidance as being suitable for essential infrastructure and water-compatible development.
10. The flood risk and indicative layout demonstrate that the development of the site can take place without placing residential dwellings within the area of the site that is within flood zone 2, positioning the proposed parking associated with the apartments in the northwest of the site.
11. The revised details have been considered by the Environment Agency, Northumbrian Water, and the Lead Local Flood Authority and objections have been withdrawn subject to conditions being imposed to ensure drainage is achieved on site.
12. In view of the above, the development of the site for residential purposes is considered to be in line with the requirements of Policy CS4.

### Loss of playing pitches

13. The proposed development would result in the complete loss of the playing pitches currently at the site although which has been unused for a significant period of time and which is currently overgrown and unused.
14. An objection has been received from Sport England due to the loss of playing field which includes an adult and a junior playing pitch. Sport England are a Statutory Consultee for any development which:
  - a) is likely to prejudice the use, or lead to the loss of use of land being used as a playing field; or,
  - b) is on land which has been -
    - a. used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped; or

- b. allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement;  
or
- c) involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface.

15. The application does not involve the replacement of grass with an artificial surface and the site is not currently being used as a playing field. The applicant has confirmed that the pitches were last used on Saturday 24<sup>th</sup> April 2010, over five years from the submission of the planning application. As a result it is considered that Sport England are not a statutory consultee. However, given that there is little evidence, other than the statement from the club, that the sports field has not been used for over five years from the submission of this application, Sport England consider that they are a statutory consultee. In circumstances where Sport England objects to a scheme where they are a statutory consultee and the Local Planning Authority intend to approve that scheme, the Local Planning Authority are required to only issue a 'minded to' decision following which there is a period of time which allows Sport England to use the call-in procedures available to them to request the Secretary of State consider the application.
16. Middlesbrough Council does not have a current Playing Pitch Strategy (PPS) within the last one being dated 2013. A PPS is an evidence based document that Sport England recommends Councils produce to guide investment, development and improvement in pitch sport facilities and meet the requirements of the National Planning Policy Framework. A PPS would consider the quantity and quality of sports fields and pitches within the borough in relation to the needs of the town's population. Middlesbrough Council are currently in the process of producing a PPS however, it is unlikely to be completed until mid 2018 as it has to be undertaken over a period of time which demonstrates current usage of facilities amongst other matters. The applicant has requested the application is determined prior to this date. As a result the loss of the playing fields must be considered without the guidance of a PPS.
17. The sports facilities at the site have not been used for a number of years, the club has been unable to sustain the upkeep of the pitches or the club facilities on the site.
18. Since the figures on the number of pitches within the town, detailed within the outdated 2013 PPS, the provision of sports pitches has increased in the town, with additional pitches having been created at Middlesbrough Sports Village (including changing facilities) and Saltersgill, although it is acknowledged that other provisions have been removed elsewhere. On balance it is considered that the deficit of sports pitches within the town has been significantly reduced as a result of additional pitch provision and those at the Middlesbrough Sports Village are both grouped and well managed which officers consider can lead to a greater viability and overall use, providing a better offer than individual sporadic pitches across the town with limited or no changing / other facilities to support them. Notwithstanding this, neither the applicant or Council can detail the absolute trend in sports provisions within the Borough over recent years and until the PPS has been completed it is considered in this instance, necessary to provide some form of mitigation to reduce the impact of the loss of the sports provision at the site. Given the overgrown, unused nature of the site, the site being allocated for housing (albeit with some pitch retention), it is considered a more holistic approach to pitch provision is suitable and can be achieved better off site than being redeveloped immediately adjacent to the existing housing at the site. As a result it is recommended that, should this application be approved, it is subject to a s106 agreement requiring a financial contribution towards the provision of a sports pitch within Middlesbrough, with the type of pitch and location to be considered in discussion with Sport England.



19. Given the above, the time since the last use of the playing field, and the quality of the playing field, which is currently overgrown with areas of building waste a rubbish accumulating on the site. It is the planning view that the loss of the playing field does not warrant the refusal of the application. For the reasons detailed above it is considered that the principle of development on the whole of the site is in line with the requirements of Policies DC1 and CS4 and that pitch provision can be better made elsewhere within the Borough where a more considered and holistic approach can be taken to the Boroughs sports provision.
20. Sport England and the Ramblers association have made particular reference to section 8 of the NPPF which relates to promoting healthy communities. Paragraph 73 states 'access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.' As the site has not been used for a number of years, and the changing facilities are not fit for purpose, the site has not contributed towards the health and well-being of the community. Instead it is a messy, unkempt site which detracts from the visual amenity of the area. The site is located opposite Albert Park which provides active outdoor play and leisure provision within the local area, and as detailed above, the Middlesbrough Sports village provides numerous sports and leisure facilities to the community. It is considered that the development of this site for housing will not prevent access to high quality open spaces and sports and recreation facilities.

### Noise

21. The associated application for the replacement social club and this application for a residential development must be considered in conjunction with each other in relation to noise. The social club must be constructed using methods to mitigate against noise transference from the use of the social club to the detriment of the future residents of the proposed residential dwellings.
22. The social club is located to the north west of the application site with its associated parking within the area of flood zone 2. Similarly the indicative layout positions the apartments to the south of the proposed social club with its parking within the flood zone. Given that there is less external amenity space associated with apartments, the positioning of apartments immediately adjacent to the proposed social club will reduce the impact of noise on the amenity of the wider residents of the development.
23. The boundary treatment associated with the social club will be considered as part of the separate application detailed above.
24. Full consideration of the noise implications from the proposed Social Club, on the proposed residential dwelling, will be given during the reserved matters stage in relation to the layout and position of the dwellings in relation to the club are only indicative at this stage.
25. The application has been considered by Environmental Health who raised no objections. The proposed development is therefore considered to be in accordance with the requirements of policy DC1 and CS5.

### Highways

26. The proposed vehicular and pedestrian access to the site utilises the existing eastern access to the social club on Park Road South. It is proposed that the western access will serve the proposed Social club.

27. The alignment of Park Road South in the vicinity of the site is straight and relatively flat, which means that it should be possible to achieve adequate visibility splays at both access points.
28. The alignment of the internal road layout appears extremely tight. Whilst this will reduce vehicle speeds to a minimum, thereby reducing the risk of vehicle/pedestrian collisions, it could also make it difficult for larger vehicles to negotiate, particularly if on-street parking takes place on a regular basis. It is also unclear from the site plan whether the turning heads at the western end of the site (adjacent to the apartment blocks) will be part of the adopted highway. This, again, will have implications in terms of the ability of larger vehicles to turn in order to leave the site. It will be necessary to consider these details in the layout of the site under a reserved matters application, should this application be approved.
29. Although the site plan does not specify the total number of off-street and in-curtilage car parking spaces that will be provided the indicative layout falls short of the parking standards required for residential developments. The submitted layout is indicative only, should this application be approved a further reserved matters application will be necessary to consider the detail of the development in relation to scale, layout, design and appearance. Full consideration of the parking provision on the site will take place at the reserved matters stage. If the site cannot incorporate the necessary parking provision with the number of dwellings proposed, or justification to reduce the parking provision is not provided or reasonable, it will be necessary to reduce the number of dwellings proposed.
30. The Transport Assessment considers the impact of the additional traffic generated by the proposed residential development on the operation of the proposed access onto Park Road South and the existing Park Road South/Valley Road/Park Vale Road and A172 Marton Road/Park Road South junctions. The Transport Assessment concludes that there will be no material impact on the operation of the site access or the Park Road South/Valley Road/Park Vale Road junction to the west but that the A172 Marton Road/Park Road South junction will be operating over its practical capacity, leading to queueing and delays at peak times.
31. Whilst in an ideal world, it would be possible to mitigate all of the impact of new developments on the existing highway network, this is not always practical or desirable. In this case, drivers heading towards Marton Road to head north have the alternative of doing so via Park Vale Road and Clairville Road, whilst those wishing to head south can do so via Valley Road and Marton Burn Road. This means that it is unlikely that queues and delays at the Park Road South/Marton Road junction will reach unacceptable levels as a result of this proposed development. Consequently, the Local Highway Authority have confirmed that they are satisfied that no additional mitigation measures will be required at the latter location.
32. In view of the above, the proposed development is considered to be in accordance with the requirements of policies DC1 and CS4.

#### Ecology

33. The site is an area of overgrown open space with some foliage around the boundaries of the site. It will be necessary for an assessment of the ecology of the site to be assessed prior to any development taking place. If approved a condition will be placed on this application to ensure the necessary assessments are carried out.

#### Conclusion

34. The proposed outline application for the development of the site for up to 96 dwelling houses and 28 apartments has been considered in relation relevant local and national planning policies. It has been demonstrated that issues relating to flooding and development within the flood zone, can be removed through a carefully designed layout and positioning of essential infrastructure. The design of the layout of the site will also need to take account of parking standards to ensure there is adequate parking provision.
35. The development of the site is not in accordance with the requirements of Policy H33, as there is no proposal to retain a sports pitch at the site, with residential development across the site. However, the proposed development is considered to be in accordance with policies DC1, CS4, CS5 and will aid in the requirements of Policy H11 in relation to the provision of houses within this area of the town.
36. The objection by Sport England has been considered. However, it is the planning view that a financial contribution towards the provision of a sports pitch elsewhere in the town, together with a significant increase in the provision of pitches in the town over recent years, is adequate to enable a recommendation of minded to approve subject to relevant conditions, and a Section106 agreement for a financial contribution.

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## **RECOMMENDATIONS AND CONDITIONS**

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### **Minded to approve subject to the conditions below and a Section 106 Agreement**

1. **Time Expiration**

Applications for the approval of all the reserved matters of the development shall be made within a period of 3 years from the date of this permission. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission; or, 2 years from the final approval of the said reserved matters, or in the case of approval on different dates, the final approval of the last such matter approved.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. **Reserved Matters**

Approval of the details of the Scale, Layout, Appearance and the Landscaping of the site, shall be obtained from the local planning authority before development commences.

Reason: To reserve the rights of the local planning authority with regard to these matters.
3. **Approved Plans**

The development hereby approved shall be carried out in complete accordance with the plans and specifications detailed below and shall relate to no other plans:

  - a) Application Form, received on 23rd June 2016;
  - b) Existing Site Plan
  - c) Planning Statement, received on 29th July 2016;
  - d) Flood Risk Assessment, report no. JCC16-182 rev. B dated July 2016;
  - e) Transport Assessment, report no. 160721-522-TA v1; and,

f) Noise Statement, received on 26th July 2016.

Reason: To ensure a satisfactory form of development and for the avoidance of doubt.

4. Sample of materials

Prior to the commencement of development samples of the materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of the visual amenities of the area.

5. Waste Audit

Prior to the commencement of development a Waste Audit must be submitted to and approved in writing by the Local Planning Authority and thereafter implemented on site. The Waste Audit must identify the amount and type of waste which is expected to be produced by the development both during the construction phase and once it is in use. The Audit must set out how this waste will be minimised and where it will be managed.

Reason: To ensure a satisfactory form of development in line with the principles of waste management detailed in the approved Minerals and Waste Development Plan Document.

6. Removal of PD Rights Boundary Treatments

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no fences, gates, walls or other means of enclosure (other than those expressly authorised by this permission), over 1 metre in height, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which forms the principle elevation.

Reason: In order that the local planning authority may protect the visual amenities of the area.

7. Temporary Car Parking

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 and thereafter such parking is to be removed on completion of works

Reason: In the interests of amenity and highway safety

8. Highway Construction

Before any construction of the proposed adopted highway commences full details of the construction and materials to be used on the proposed adoptable highway including finished levels, gully positions, layout and material build ups should be submitted to and approved in writing by the Local Planning Authority and thereafter the work to be carried out to their satisfaction.

Reason: In the interest of highway safety

9. Surface Water - Highways

A plan showing the surface water drainage that has been designed to prevent this water from flowing onto the highway to the detriment of all highway users must be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and highway safety.

10. Surface Water Drainage - Lead Local Flood Authority
- Before development commences a detailed surface water scheme must be submitted and approved in writing by the Local Planning Authority. This scheme should be designed so that the greenfield runoff rate is 9.1 l/s and should be achieved by means of a sustainable drainage system. The submitted details shall include:
- a) an assessment of existing geology, ground conditions and permeability;
  - b) the proposed 'management train';
  - c) location and type of source control;
  - d) site controls with storage locations;
  - e) conveyance and exceedence routes;
  - f) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime; and,
  - g) if it is not possible to include a sustainable drainage system details as to the reason why must be included.

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area.

11. Foul and Surface Water - NWL
- Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF

12. Flood Risk Assessment
- The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:
- a) No development shall be sited within flood zones 2 and 3 as shown in drawing 'AL (90) 0500' within 'Acklam Steeworks Middlesbrough JCC16-182' FRA

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.

13. Boundary Treatments
- No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced or before the building(s) is/are occupied or in accordance with a timetable agreed in writing with

the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the area.

14. Trees

In this condition retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of five years from the date of the occupation of the building for its permitted use.

a) no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:1989 (with subsequent amendments)(British Standard recommendations for Tree Work).

b) if any retained tree is removed, uprooted or destroyed or dies during the period of construction another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the local planning authority. Similarly, if a retained tree dies or needs to be removed within five years of completion, and this is found to have been the result of damage sustained during development, this replanting condition will remain in force

c) the erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. Retained trees shall be protected fully in accordance with British Standard 5837:1991 (Guide for Trees in Relation to Construction). In particular, fencing must not be dismantled at anytime without the prior consent of the local planning authority.

Reason: In the interests of the amenities of the area.

15. Ecology Assessment

Prior to the commencement of development an Ecology Assessment must be submitted to and approved in writing by the Local Planning Authority. The Ecology assessment must include a habitat survey and assessment of the potential impact of the development on protected species. Thereafter the development must be carried out in accordance with the recommendations and mitigations detailed within the assessment.

Reason: To ensure a satisfactory form of development in accordance with the NPPF.

16. Site Investigation

Prior to the implementation of the development hereby approved a full and competent site investigation, including risk assessment shall be undertaken and submitted to and approved in writing by the Local Planning Authority.

This investigation must identify any contamination present on site, and specify adequate remediation scheme. The risk assessment and remediation scheme must be approved in writing by the Local Planning Authority and thereafter implemented,

prior to the development-taking place. Validation of the remediated site shall be provided in the form of a detailed completion statement confirming that works set out and agreed were completed and that the site is suitable for its intended use.

Reason - In the interest of public safety

## **REASON FOR APPROVAL**

The proposed development of housing at Acklam Iron and Steelworks is considered to be appropriate for both the application site itself and within the surrounding area, although the development is a departure from policy H33 it is considered to be in accordance with other relevant national and local planning policy guidance.

The relevant policies and guidance is contained within the following documents: - National Planning Policy Framework 2012 - Middlesbrough Local Development Framework (LDF) - Core Strategy (2008); Regeneration DPD and Proposal Map (2009) - Middlesbrough Housing Local Plan, Housing Core Strategy and Housing Development Plan Document (2014)

In particular, the proposal meets the national planning policy framework and guidance regarding housing, sustainable development and efficient use of land. Further detailed information in the form of a reserved matters application is necessary to fully consider the appropriateness of the scale of development, design, and layout to ensure the proposed housing development would not be out of scale and character within the surrounding area and would not be detrimental to the local and residential amenities of the area. However, the principle of a development for up to 96 dwelling houses and 28 apartments on this site is acceptable.

The loss of the sports provision on the site is not considered to be detrimental to the amenities and wellbeing of residents. 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.

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## **INFORMATIVES**

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### Site Layout

The indicative layout is not suitable for the development due to inadequate parking provision. It may be necessary to reduce the number of dwellings at the reserved matters stage to ensure appropriate parking provision.

### Discharge of Conditions

Under the Town & Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2010, the Council must charge a fee for the discharge of conditions. Information relating to current fees is available on the Planning Portal website

(<http://www.planningportal.gov.uk/england/public/planning/applications/feecalculator>. Please be aware that where there is more than one condition a multiple fee may apply.

#### Highway Matters

The applicant is advised to contact the Highway Authority (Tel: 01642 728156) prior to any work commencing on site in order that a pre-inspection of the highway can be undertaken and agreement reached on suitable protection to prevent damage to the highway during construction. Failure to do this may result in the Highway Authority using powers available to them to impose such restrictions they deem necessary to protect the existing highway. Any damage that does occur will be deemed the responsibility of the person undertaking the work along with the liability for reinstatement.

As the proposed development fronts a private street, notice will be served under Section 220 of the Highway Act 1980 once Building Regulations approval (or initial notice acceptance) has been given. The applicant is therefore urged to consult early with the Highway Authority (Tel: 01642 728156) on the highway details, particularly if it is considered that there may be an entitlement to an exemption under that section.

The applicant is advised that any discharge of surface water into a watercourse or culverted watercourse requires consent from the Local Authority.

The applicant is reminded that building materials shall not be deposited on the highway without the specific consent of the Highway Authority.

The development will be designed and constructed in accordance with the current edition of the Council's Design Guide and Specification.

Should the development require Street Names, Numbers and/or Post Codes the developer must contact the Council's Naming and Numbering representative on 01642 728155.

The applicant is reminded that it is the responsibility of anybody carrying out building work to ensure that mud, debris or other deleterious material is not deposited from the site onto the highway and, if it is, it shall be cleared by that person. In the case of mud being deposited on the highway wheel washing facilities should be installed at the exit of the development.

#### Gas Apparatus within the site

The applicant must contact Northern Gas Networks directly to discuss requirements in detail.

#### Deliveries

It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction then early discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so as to mitigate the effect of the obstruction to the general public.

#### Statutory Undertakers

The applicant is reminded that they are responsible for contacting the Statutory Undertakers in respect of both the new service to their development and the requirements of the undertakers in respect of their existing apparatus and any protection/diversion work that may be required.



A landscaping scheme showing full details of both hard and soft landscape works including proposed finished levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials, minor artefacts and structures (eg; furniture, play equipment, refuse or other storage units, signs, lighting etc.), proposed and existing functional services above and below ground (eg; drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc) is required for this development.

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, is required for this development.

Case Officer: Shelly Pearman

Committee Date: 8th September 2017

