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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 upto 96no dwellinghouses 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>Refuse</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 pitch's. 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.

The application was previously considered by Members (8<sup>th</sup> September 2017) who were minded to approve the scheme subject to conditions and a s106 agreement seeking a replacement sports provision (pitch's). Since the previous Committee it has not been possible to find a suitable location for replacement sports provision and the emerging Playing Pitch Strategy (PPS) indicates a shortage of provision in the town. As a result the

application is considered to be in conflict with Policies H33 and CS4 of the Local Development Plan and paragraph 74 of the NPPF.

In light of the above it is now recommended that the application is refused.

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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 Approve with Conditions  
23rd February 2018

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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:

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

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>

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## **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

MBC 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.

## Public Responses

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

Site notice posted –  
22nd August 2016

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## PLANNING CONSIDERATION AND ASSESSMENT

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1. Previously this application was considered by Members on 8th September 2017 with a recommendation for approval subject to conditions and a s106 agreement relating to the provision of a replacement pitch (as required by policy) and to allow for Sport England to remove their objection to the scheme. Members were minded to approve the application in line with the recommendation of the 8<sup>th</sup> September 2018 subject to the matter of pitch replacement being achieved or demonstration that it was no longer required. Considerations since the previous committee therefore relate solely to the matter of re-providing sports pitch's as required by the Policy relating to this application. The current considerations on this matter and the revised recommendation are detailed below. The previous report is appended to this item for information purposes.
2. An objection was received from Sport England to this application due to the loss of playing field within the site which includes an adult and junior playing pitch's. The applicant contests whether Sport England are a statutory consultee for this proposal, indicating that this proposal falls out-with the consultation requirements. 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.*
3. 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 24th April 2010, over five years from the submission of the planning application which would indicate that Sport England would not be a consultee. However, 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 and Sport England have advised the council that they consider themselves to be a statutory consultee.
4. Notwithstanding the above, as part of the adoption process for the Local Development Plan, Sport England were consulted and raised objections to Policy

H33 (Acklam Iron and Steelworks Club) over the loss of the pitches. To address this, the policy worded to require the replacement and/or retention of the pitches removing. Given that this application does not seek to retain or replace the sports provision it is considered that Sport England are an appropriate consultee in relation to this site.

5. Given this proposal does not seek to re-provide playing pitch's as detailed within Policy H33, consideration needs to be given to whether there is an oversupply of pitch's in this area which would add material weight to the consideration of this proposal not re-providing pitch's. The normal manner by which this is demonstrated is through the provision of a Playing Pitch Strategy (PPS). This 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 considers the quantity and quality of sports fields and pitches within the borough in relation to the needs of the town's population. At the time of this application being submitted, due to the significant change in recent years to playing pitch provisions across the town, Middlesbrough Council does not have an up to date PPS (last one dated 2013). During the process of this application and to assist with consideration of this and other such applications, Middlesbrough Council has instigated the production of a new Playing Pitch strategy to reflect current circumstances.
6. Whilst the ongoing Playing Pitch Strategy has not been completed, the early indications from the PPS are that there is a shortage of pitches within the town which differs from the anticipated outcome when this application was first put before Planning Committee which considered that the provision of new facilities at Middlesbrough Sports Village and Saltersgill would balance the loss from the Acklam Iron and Steel Works Club site which would occur were this application to be approved. The applicant is seeking a determination of the application due to the current delay in this and as such, the application needs to be considered based on the information available at this present time.
7. In considering the current position, paragraph 74 of the National Planning Policy Framework (NPPF) states:  
*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
  - a) *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements*
  - b) *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location*
  - c) *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*
8. In terms of point a) above, there is no assessment demonstrating a surplus. With regards to point b), discussions have taken place with Sport England and the applicant to determine the requirements of a s106 agreement and a suitable location has been considered for the replacement pitch. Unfortunately it has not been possible to find a location for the pitch which will come forward within the developer's timescales to allow for the replacement of the pitch to come forward before development on this site begins. In view of these matters, the proposal is considered to be contrary to the National Planning Policy Framework due to the loss of sports pitch's and also contrary to Policy H33 (Acklam Iron and Steel Works Club) which requires pitch retention on site / re-provision, and CS4 tests d and f (Sustainable development) which require promotion of healthier communities and access to leisure facilities.

9. For the reasons detailed above it is now recommended that the application is refused.

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## **RECOMMENDATIONS AND CONDITIONS**

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### **Refuse for the following reason**

1. In the opinion of the Local Planning Authority the proposed outline residential development will result in the loss of existing sports facilities to the detriment of local amenities in conflict with Policies H33 and CS4 of the Middlesbrough Development Plan and paragraph 74 of the NPPF.

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## **INFORMATIVES**

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Case Officer: Shelly Pearman

Committee Date: 8th June 2018



