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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>20/0159/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 application for up to 55no residential dwellings, repositioning of sports pitches and changing facilities.</b>
<b>Applicants:</b>	<b>Mr Leon White &amp; Mr Peter Hall</b>
<b>Agent:</b>	<b>Mr Garry Phillipson</b>
<b>Company Name:</b>	<b>GPDESIGNS ARCHITECTURAL SERVICES</b>
<b>Ward:</b>	<b>Longlands/Beechwood</b>
<b>Recommendation:</b>	<b>Approve with Conditions</b>

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**SUMMARY**

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This application seeks outline consent with some matters reserved (including appearance, landscaping, layout and scale), for the erection of up to 55 dwellings with associated works, one adult and one junior sports pitch with associated changing facilities on the site of the existing Acklam Iron and Steelworks Athletic Club. This outline application only seeks permission for the principle of development and the site access.

The site is currently made up of a club house building and overgrown and currently unused sports pitches.

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 intends to retain both sports pitches at the site.

Following the consultation process two representations were received from local residents who do not object to the principle of the development but had comments relating to access, highway impacts, noise, the indicative layout and the type of housing proposed. An objection has been received from Sport England relating to the loss of sports field and the retention of both pitches on site.

It is the planning view that, on balance, the development of residential dwellings on this site and the retention of two sports pitches with new changing facilities 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. The sports provision is retained on site and therefore the number of playing pitches in the town is not reduced.

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 for the application is minded to approve the application subject to conditions.

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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 2.47 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 but have permission to relocate to the north west 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 55 residential dwellings with associated works, one adult and one junior pitch with associated changing facilities. The number of units has reduced from the original submission following consultation responses relating to the size of the pitches and the space required around them.

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

- Design and Access Statement
- Flood Risk Assessment
- Transport Statement
- Transport Assessment

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## **PLANNING HISTORY**

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16/5024/OUT Outline residential development comprising upto 96 dwelling houses and 28no apartments Refused  
12th June 2018

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 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:

- The provisions of the Development Plan, so far as material to the application

- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

### Middlesbrough Local Plan

The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- 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).

### National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

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  
 CS17 - Transport Strategy  
 CS18 - Demand Management  
 CS19 - Road Safety  
 H1 - Spatial Strategy

H11 - Housing Strategy  
H12 - Affordable Housing  
H31 - Housing Allocations  
H1 - Spatial Strategy  
H33 - Acklam Iron and Steelworks Club  
MWC1 - Minerals Strategy  
MWC4 - Safeguarding Minerals  
MWP1 - Waste Audits

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 two representations were received from local residents who do not object to the principle of the development but had comments, however only one was a formal comment from 5 Gold Court. The comments are summarised below:

- a) Transport Assessment doesn't take into account houses at Clairville and Bishopton Road therefore a new TA should be carried out;
- b) Fails to account for impact from 2 sports pitches on the existing infrastructure, pitches haven't been used for years and improvements to facilities will increase the use;
- c) Plan does not show how parking for the pitches will be accommodated;
- d) Accesses to housing and social elements are narrow and give rise to potential to cause accidents;
- e) Increased noise from increased road use, club and pitches;
- f) Indicative layout is cramped and does not show visitor parking;
- g) Are the pitches to be flood lit, to the detriment of residents;
- h) Is the application for market or social housing;
- i) Will increase pedestrian traffic to Clairville estate through link on Park Road South which is not wanted.

### Planning Policy - MBC

Residential development of the site along with senior and junior pitches and associated changing facilities accords in principle with the adopted Development Plan. Subject to the proposed development achieving high quality design, providing satisfactory residential amenity for future occupants, protecting existing residential amenity and not having a detrimental impact on highway safety the proposal would accord with the Development Plan Policies.

### Highways - MBC

In highways assessment terms we are considering the implications arising from the proposed housing as the sports use is an existing use. The application has been assessed in relation to highways capacity and safety and no objections are raised.

### Environmental Health - MBC

No objection to the principle, noise assessments and air quality assessments are required by condition.

### Education - MBC

No comment

### Local Flood Authority - MBC

Conditions required relating to surface water drainage.

### Waste Policy - MBC

Please note, that if any properties are serviced by a shared drive, the residents will be required to make their refuse and recycling available at the nearest public highway.

### Environment Agency

No objection subject to a condition requiring development to be in accordance with the Flood Risk Assessment

### Northern Gas

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

### Northumbrian Water

Having assessed the proposed development against the context outlined above we have the following comments to make:

The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We would therefore request the a condition relating to the disposal of foul and surface water.

### Secured by Design

In relation to this Outline Application, I recommend that the applicant / developer actively seek to develop to accredited Secured By Design Gold standards, Silver should be the minimum standard sought. Information and guidance is available at [www.securedbydesign.com](http://www.securedbydesign.com) with the Homes 2019 document within this site.

Prior to any commencement of work I recommend that I am contacted for any advice, guidance I can offer.

### 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 97) and Sport England's Playing Fields Policy, which is presented within its 'Playing Fields Policy and Guidance Document':

[https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy)

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 application site currently contains approximately 1.95Ha of playing field. The proposed development retains approximately 0.95Ha of playing field, whilst 1Ha of playing field would be lost to residential development.

#### Assessment against Sport England Policy/NPPF

Para 97 of the NPPF and Sport England's playing field policy are both protective policies. They only allow the loss of playing field to development in prescribed or exceptional circumstances. They are where;

- A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport. (exception 1)
- The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use (exception 2)
- The proposed development affects only land incapable of forming part of a playing pitch and does not:
  - o reduce the size of any playing pitch;
  - o result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
  - o reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
  - o result in the loss of other sporting provision or ancillary facilities on the site;
  - o prejudice the use of any remaining areas of playing field on the site (exception 3)
- The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:
  - o of equivalent or better quality, and
  - o of equivalent or greater quantity, and
  - o in a suitable location, and
  - o subject to equivalent or better accessibility and management arrangements (exception 4)
- The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field (exception 5)

Middlesbrough Council undertook a Playing Pitch Strategy in 2014, and a new Playing Pitch Strategy has been undertaken (but it is unclear whether this has been adopted). The 2014 PPS found that there would be shortfalls in respect of;

- 8 no. junior 11v11 football pitches
- 7 no. junior 9v9 football pitches
- 4 no. junior rugby union pitches

The new Playing Pitch Strategy work has found the following current shortfalls;

- 22.5 match equivalent sessions for youth 11v11 football
- 6 match equivalent sessions for mini 7v7 football
- 14 match equivalent sessions for rugby union

By the end of the Local Plan period, the following shortfalls are modelled;

- 18 match equivalent sessions for rugby union
- 41.2 match equivalent sessions for youth 11v11 football
- 10.2 match equivalent sessions for youth 9v9 football
- 6 match equivalent sessions for mini 7v7 football

(nb a match equivalent session is defined as a competitive match, training session, or casual play. A pitch's capacity depends upon its construction, maintenance regime, and type of play. A well maintained 11v11 grass pitch can accommodate 3-4 match equivalent sessions per week).

It can be seen from above that there are notable shortages in the supply of certain playing pitch types in Middlesbrough, which will worsen with projected housing growth. Exception 1 does not therefore pertain to this development.

Exception 2 relates to development of ancillary facilities at playing field sites. Whilst a changing room is proposed as part of this development, the loss of playing field arises from residential development and as such it is not covered by exception 2.

Exception 3 allows the loss of peripheral areas of playing field provided they couldn't be used to set out a playing pitch or part of a playing pitch. The playing field has been used for a variety of pitch layouts over the years, and aerial photos show the part of the application site which is to be developed for residential purposes accommodating a football pitch.

Exception 3 cannot therefore pertain to this development

The development results in the loss of 1Ha of playing field. The application does not detail that this area of playing field is to be replaced on an equivalent basis. It is misconception to consider that since 2 football pitches could be squeezed into the retained playing field area that there is no loss to pitch sports. Clearly if two pitches can be squeezed into 0.95Ha of [retained] playing field land then the 1Ha of playing field that would be lost to development could have accommodated an equivalent number of pitches. Playing field is the resource that offers the potential to accommodate playing pitches and this is why playing field is protected in the planning system rather than pitch areas. Exception 4 does not therefore pertain to this proposal.

Finally exception 5 covers proposals for built sports facilities on playing field. Clearly this exception does not relate to what is being proposed here.

Whilst the above demonstrates that the proposal does not meet playing field policy, the indicative layout also highlights a number of matters which are likely to render the retained playing pitches as impractical for football use;

- a) the pitches are the absolute minimum size permissible for the age group. New pitch developments should be aiming to achieve the FA's recommended sizes.
- b) We welcome the introduction of ball-stop netting, but for this to be a practical and sustainable solution to the concern raised clarification is needed as to how the netting is going to be maintained. As the housing development is the agent of change here we consider that it will need to be held by the applicant.

Turning now to the issue of principle, there appears to be mixed messages between the Council and Sport England as to what has been agreed in respect of the site's allocation. NPPF para 97 and Sport England's playing field always uses the term playing field rather than playing pitches. The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595) defines playing field as 'the whole of the site that contains a pitch'. This is because playing field is seen as a resource for pitches to be marked out on, pitches to be changed from one pitch sport type to another, or to allow areas of the playing field to rest from over play. It also allows the potential for non-pitch sports such as athletics to be marked out. If it had been parliament's intention to just safeguard pitches, the Development Management Procedure Order could have been drafted to make this clear.

It is our understanding from the representations we made to the Council on the preparation of both the Housing Local Plan and the subsequent new Local Plan that some part of the playing field would be developed for housing (with some retained for playing pitches), but not until appropriate re-provision had been made for the area of playing field lost.

We consider that your interpretation that the allocation allows for either the retention of the sport and recreation use **or** its replacement elsewhere is mistaken, and is something we would consider taking further.

Forgetting for the moment, that the policy mistakenly uses the term playing pitch rather than playing field, the inescapable fact is that the proposal should be accompanied by details as to how the replacement playing field is to be provided in order to be in accordance with the Local Plan allocation.

I am also satisfied that the appeal decision was clear in noting that such replacement provision should be identified (and be capable of being utilised within an appropriate timescale).

The upshot of having tightly confined pitches of minimum size is that there will be no latitude to reposition or re-orientate the pitches should there be wear and tear or drainage issues. In order for the pitches to have a reasonable capacity for use we would therefore strongly recommend that an assessment is carried out by a sports turf agronomist to identify whether drainage works are needed for the setting out of the pitches. A standard condition has been provided with regards to this.

Ramblers Association

No response

Ward Councillors

No response

Community Council

No response

**Public Responses**

Number of original neighbour consultations	237
Total numbers of comments received	1
Total number of objections	0
Total number of support	0
Total number of representations	1

Site notice posted –  
23rd March 2020

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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, their appearance and layout, and the scale of development 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 55 dwellings and the access to the site as well as the provision of sports pitches and changing facilities on site.
2. Indicative details have been submitted as part of the application in respect of layout, housing design and landscaping to be 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 comments received, revised plans were submitted to demonstrate that pitches with the necessary safety margins around their perimeter can be achieved, and to include the provision of ball stop netting around the pitches. The consequence of this is a reduction in the housing element reducing

the number of dwellings from 58 to up to 55. 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.

### **Principle of Development**

4. The site is allocated for residential development in the Housing Local Plan. Policy H33 identifies an indicative capacity of 30 dwellings. Policy H1 states all figures are a minimum unless stated otherwise and allows a higher number of dwellings on allocated sites where it can be demonstrated that this would achieve high quality design.
5. Policy H33 sets out criteria for the development of the site. This includes that residential development reflects the housing types in the surrounding area. The application is in outline with all matters except access reserved. The indicative layout shows a mix of predominantly semi-detached and short terraces of properties. These house types are characteristic of the surrounding area.
6. The Policy requires that an area of the site will be retained for sport and recreation use, to be laid out as a senior pitch, with the provision of changing facilities and that a junior pitch is re-provided elsewhere within the town. The applicant has been unable to find an alternative site for the re-provision of the junior pitch and the application proposes the on-site provision of a senior pitch, a junior pitch and changing facilities. Whilst this is not in line with the intention of the policy it is considered to achieve the aim of the policy which is the retention of an adult and a junior pitch in the town.
7. Policy CS4 requires all development to contribute to sustainable development. This includes (criterion d), ensuring everyone has access to health and leisure facilities. The sports pitches to be provided on the site would assist in the achievement of healthy lifestyles for local residents.
8. The site is within the minerals safeguarding area for salt and gypsum. Policy MWC4 allows non minerals development where the need for the proposed development outweighs the need for the mineral resource. The application site is allocated for housing in order to meet Middlesbrough's future housing needs which are considered to outweigh the need for salt and gypsum.

### **Flood Risk and Drainage**

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 housing element is located to the east of the site with no residential dwellings within the area of the site that is within flood zone 2.
11. The Environment Agency, Lead Local Flood Authority and Northumbrian Water have been consulted as part of the application process and have not raised any objections to the proposals subject to relevant conditions being imposed relating to the Flood Risk Assessment, foul and surface water drainage.
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 and should not increase risk of flooding.

## Highways

13. Comments have been received in relation to the use of the pitches and the social club stating that they have not been used for a number of years and therefore any improvements to them will increase traffic. The Social Club has its own associated parking and the use of the pitches can commence at any time without the need for planning permission. The Social Club and associated sports facilities already exist on the site and as such traffic movements associated with these could already affect the highway network. In terms of the pitch's, the development proposals seek to replace this element of the scheme with new facilities and does not seek to increase pitch capacity, and would therefore not lead to a change in traffic generated.
14. The additional traffic being considered is therefore that associated with the proposed housing. A previous application was submitted and sought outline consent for up to 96 houses and 28 apartments; a total of 124 residential units. This application was supported by a Transport Assessment which demonstrated that the proposed development would not have a material impact on the operation of the adjacent highway network.
15. Whilst this application was refused and subsequently dismissed at appeal, no grounds for refusal on highways issues were raised by either the authority or the Planning Inspectorate.
16. There have been no material changes in the highway network capacity since this refusal and appeal that would change the position of the Highway Authority.
17. The current application proposes 55 residential units and as such would generate a much lower level of traffic than that previously assessed. As such the Transport Assessment is considered robust and valid.
18. The proposed access arrangements are consistent with the existing access points into the site and that considered by the previous application. The access arrangements are considered suitable to serve the level of development proposed and works to be undertaken to the accesses will be carried out to the authorities standards through agreement under the Highways Act 1980.
19. Issues relating to the internal layout and parking arrangements will be considered at the reserved matters stage. If suitable provision cannot be provided for 55 dwellings the number of dwellings could be reduced as part of those considerations.
20. No objections have been raised by the Local Highways Authority.
21. A comment has been received in relation to residents from the development accessing the Clairville development to the north by means of the pedestrian link to that site on Park Road South stating that they have suffered from anti-social and criminal activity. As a result they have requested the footpath link is closed. The footpath link was required to provide connections from the Clairville site to achieve sustainable transport links to facilities to the south and therefore its closure would be resisted. The footpath does not result in significant levels of pedestrian penetration and in terms of the anti-social behaviour concern, this may not happen once the development is completed and is not strictly a material planning consideration.

## Ecology

22. 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, however, as the site relates to playing pitch's which can be mown regularly and actively used, ecological impacts could not prevent this happening without the need for planning permission. As such, it is recommended that a condition is placed on this application to ensure the necessary assessments are carried out.

## **Amenity**

23. Policy CS5, DC1 and the Urban Design SPD require all development to achieve high quality design that integrates well with its immediate and wider context. The proposed 55 dwellings are located on a part of the site that is slightly over 1 ha. This density of development is significantly higher than adjoining housing. Policy DC1 also requires that the impact of development on the amenities of occupiers of nearby properties is minimal and that there is no impact on highway safety. Consideration should be given to whether satisfactory amenity for adjoining and future occupiers could be achieved in a development of this density and whether adequate levels of car parking could be provided. These elements will be considered at the reserved matters stage once a layout is being proposed for consideration. If suitable amenity is not achieved the number of houses proposed will need to be reduced.
24. It will also be necessary to consider the impact of noise from the pitches that are to be retained on site. The application has been considered by Environmental Health who raised no objections at this stage subject to conditions relating to noise, air quality and site contamination. As part of this, it needs to be considered that the pitch's already exist and therefore noise associated with them operating is already an impact for the area (were the pitch's to be put to use).
25. A comment has been received in relation to flood lights around the pitches. This application does not detail any flood lights. Flood lights do require planning permission and therefore if/when they are proposed on the site the impact of them on the surrounding area and properties would be considered at that stage.
26. The proposed development is therefore considered to be in accordance with the requirements of Policies DC1 and CS5.

## **Loss of Playing Field - Retention of Pitches**

27. The Local Plan Policy for the site requires the replacement of Sports Pitch's as part of any residential development, indicating the need for an adult pitch on site and a junior pitch off site. Sport England consider that the policy wording for the site is not correct in that it refers to the re-provision of sports pitch's and not sports fields, the difference being a pitch is a defined playing area whereas a sports field may be larger, and by having a larger sports field, there is opportunity for pitch's to move around within a sports field, to reduce usage on one specific area and to operate a pitch of either differing sizes or with greater run off margins, thereby having a greater value as a provision. The Local Plan has to be the starting point for decision making as required by legislation with other material considerations being considered and notwithstanding the assertion of Sport England, the wording of the Policy is what needs to form the basis of decision making on this application. It is accepted and agreed that having playing pitches within a larger sports field is advantageous, however, the policy does not make this requirement or distinction. The comments received by Sport England have been considered as part of the application process. The policy clearly states pitch and has gone through the formal adoption process with consultation with the Secretary of State and has been formally adopted. The policy wording is the legal starting point for the local planning authority's decision making. As a result the requirement is for retention of an adult pitch on the site and replacement of a junior pitch in the town.

28. The allocation of the site for housing in the local plan accepts the principle of the loss of playing field on the site. The intention of the policy is to ensure that a junior pitch and adult pitch remain in the town for use. As it has not been possible to find a suitable location for the replacement of the junior pitch elsewhere in the town (this was the reason the previous application was refused and the refusal upheld at appeal) the applicant has chosen to provide both the adult and junior pitch on the site with changing facilities. As a result it is considered the proposed development achieves the requirements of the policy in that a junior and an adult pitch remain in the town and are not lost as a result of the development. If approved full details of the changing facilities will be required as part of the reserved matters application and conditions will be required relating to the timescales for the works to take place to ensure the pitches are in place and are available for use prior to the occupation of the dwellings. The site does not currently benefit from changing facilities, this development will allow for the provision of the pitches on the site with enhanced facilities by way of providing changing facilities. This is considered to be in accordance with the requirements of Policy CS4 of the local plan and paragraph 97 of the NPPF.
29. Whilst we note that the pitches proposed are the minimum size for the age groups they are of an acceptable size in accordance with the FA's guidance. Sport England consider the pitch's should be larger however, they are compliant with guidance and it is considered that resisting approval on this ground would be unlikely to be supported by the Planning Inspectorate on appeal.
30. Ball stop netting has been proposed around the sports pitches to prevent balls from leaving the site onto the adjacent road and housing. These forms of enclosures are common place around sports pitches and can be constructed so that they do not have a significant impact on the visual amenity of an area. In this instance the pitch's already exist and so, were they to come back into use in their current position it would not be unreasonable for ball stop netting to be provided for the same reason. A condition is recommended requiring full details and specifications of the netting including its management and maintenance. The netting would need to be erected prior to the use of the pitches.
31. Sport England have commented that having tightly confined pitches of minimum size means that there will be no latitude to reposition or re-orientate the pitches should there be wear and tear or drainage issues. In order for the pitches to have a reasonable capacity for use they strongly recommend that an assessment is carried out by a sports turf agronomist to identify whether drainage works are needed for the setting out of the pitches. It is considered that if any drainage works are required they will enhance the quality of the pitches proposed in accordance with the requirements of paragraph 97 of the NPPF and therefore it is appropriate to control this requirement by condition as recommended.

## **Conclusion**

32. It is considered that the development is in accordance with the requirements of Policies DC1 and CS4 of the local plan and achieves the aims of Policy H33 relating to site development and re-provision of pitches. It is also considered that the development meets the requirements of paragraph 97 of the NPPF in relation to the sports provision on site with conditions in place to ensure the quality of the sports provision.
33. Further reserved matters approval is required for the detail of the housing development in terms of the layout, design, appearance, scale, mass and

landscaping of the dwellings. Reserved matters approval is also required for the changing facilities to be provided.

34. Sport England is a statutory consultee, as they have formally objected to the application it is necessary to refer the application to the Secretary of State should Members be minded to approve the application.

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## RECOMMENDATIONS AND CONDITIONS

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### Minded to Approve with Conditions

1. **Reserved Matters, Some Matters Reserved**  
Details of the appearance, layout, scale, and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be carried out as approved.  
  
Reason: Required pursuant to Section 92 of the Town and Country Planning Act 1990.
2. **Application for Reserved Matters**  
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.  
  
Reason: Required pursuant to Section 92 of the Town and Country Planning Act 1990.
3. **Time Period for Commencement Outline**  
The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.  
  
Reason: Required pursuant to Section 92 of the Town and Country Planning Act 1990.
4. **Approved Plans Outline**  
The development hereby permitted shall be carried out in accordance with the approved plans and documents detailed below, except in respect of those matters which are reserved for subsequent approval:
  - a) Site Location Plan, drawing no. 06, received 18th March 2020;
  - b) Proposed Overall Plan, drawing no. 02 rev. C, received 2nd June 2020;
  - c) Flood Risk Assessment received 16th March 2020;
  - d) Transport Statement, dated 4th March 2020; and,
  - e) Transport Assessment reference number 160721-522-TA v1, dated 21st July 2016.
5. **Construction Compound**  
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 thereafter implemented upon commencement of construction. The parking is to be removed on completion of works.

Reason: In the interests of amenity of the area and nearby residents and highway safety having regard for policies DC1 of the Local Plan.

6. Construction of Access

The development hereby approved shall not be occupied unless or until the means of vehicular/pedestrian access from the public highway has been constructed and surfaced to at least a base course level, in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To confine access to the permitted points in the interests of good management of the highway and to minimise the number of vehicle accesses onto the highway in the interests of free flow of traffic and safety of highway users having regard for policy DC1 of the Local Plan and sections 9 and 12 of the NPPF.

7. Construction of Roads and Footways Prior to Occupation of Dwellings

No dwelling to which this planning permission relates shall be occupied unless or until the carriageway base course and kerb foundation to the new estate road and footpath to which it fronts, is adjacent to or gains access from, has been constructed. Road and footway wearing courses and street lighting shall be provided within 3 months of the date of commencement on the construction of the penultimate dwelling of the development.

Reason: To ensure appropriate access and egress to the properties, in the interests of highway safety and the amenity of residents having regard for policies CS4, CS5 and DC1 of the Local Plan and sections 9 and 12 of the NPPF.

8. Details of Roads, Footpaths and Open Spaces Required

Fully detailed drawings illustrating the design and materials of roads, footpaths and other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction on site. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development and in the interests of highway safety having regard for policies CS5 and DC1 of the Local Plan and sections 9 and 12 of the NPPF.

9. Method of Works Statement

The development hereby approved shall not be commenced until a detailed method of works statement has been submitted to and approved in writing by the Local Planning Authority. Such statement shall include at least the following details;

- a) Routing of construction traffic, including signage where appropriate;
- b) Arrangements for site compound and contractor parking;
- c) Measures to prevent the egress of mud and other detritus onto the public highway;
- d) A jointly undertaken dilapidation survey of the adjacent highway;
- e) Program of works; and,
- f) Details of any road/footpath closures as may be required.

The development must be carried out in accordance with the approved details.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users having regard for policy DC1 of the Local Plan.

10. Renewables or Fabric First Required

The dwellings/buildings hereby approved shall not be occupied until details of compliance with a scheme of renewables or a fabric first approach has been

submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the predicted energy requirements of the development post completion and under normal operating use and will detail how 10% of the predicted energy requirements will either be generated on site by renewable technologies or how the fabric of the building shall be constructed to reduce the predicted energy demand (in exceedance of the current Building Regulation Standards) by 10%.

Reason: In the interests of sustainable development having regard for policy CS4 of the Local Plan and section 14 of the NPPF.

11. Waste Audit Required

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

The development shall be undertaken in complete accordance with the approved Waste Audit.

Reason: In the interests of minimising, reusing and recycling waste during demolition and construction in line with the principles of waste management detailed in the approved Tees Valley Joint Minerals and Waste Development Plan Document.

12. Surface Water Drainage Scheme

Prior to the commencement of the development on site a detailed surface water drainage scheme (design and strategy) shall be submitted to and approved in writing by the Local Planning Authority. The scheme should be designed, following the sustainable drainage principles and the development shall be completed in accordance with the approved scheme.

The design of the drainage scheme shall include but is not be limited to;

- (i) The surface water discharge from the development must be limited to a Greenfield run off rate (Qbar value) with sufficient storage within the system to accommodate a 1 in 30 year storm.
- (ii) The method used for calculation of the existing greenfield run-off rate shall be the ICP SUDS method.
- (iii) The design shall ensure that storm water resulting from a 1 in 100 year event, plus climate change surcharging the system, can be stored on site with minimal risk to persons or property and without overflowing into drains, local highways or watercourses.
- (iv) Provide an outline assessment of existing geology, ground conditions and permeability.
- (v) The design shall take into account potential urban creep.
- (vi) The flow path of flood waters for the site as a result on a 1 in 100 year event plus climate change (Conveyance and exceedance routes)

This should be accomplished by the use of SuDs techniques, if it is not possible to include a sustainable drainage system, details as to the reason why must be submitted.

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 having regard for policy CS4 of the Local Plan and section 14 of the NPPF.

13. Surface Water Drainage Management Plan

Prior to the commencement of the development on site, details of a Surface Water Drainage Management Plan must be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include:

- (i) A build program and timetable for the provision of the critical surface water drainage infrastructure.
- (ii) Details of any control structure(s) and surface water storage structures
- (iii) Details of how surface water runoff from the site will be managed during the construction Phase
- (iv) Measures to control silt levels entering the system and out falling into any watercourse or public sewer during construction.

The development shall, in all respects, be carried out in accordance with the approved Management Plan.

Reason: To ensure the development is supported by an appropriately designed surface water disposal infrastructure scheme and to minimise the risk of increased flooding and contamination of the system during the construction process having regard for policies DC1 and CS4 of the Local Plan and section 14 of the NPPF.

14. Surface Water Drainage Management and Maintenance Plan

The development shall not be occupied until a Management & Maintenance Plan for the surface water drainage scheme has been submitted and approved by the Local planning Authority; the plan shall include details of the following;

- (i) A plan clearly identifying the arrangements for the adoption of the surface water system by any public authority or statutory undertaker (i.e s104 Agreement) and any other arrangements to secure the operation of the scheme throughout its lifetime.
- (ii) Arrangements for the short and long term maintenance of the SuDS elements of the surface water system

Reason To ensure that the surface water drainage infrastructure is maintained to minimise the risk flooding in the locality having regard for policy CS4 of the Local Plan and section 14 of the NPPF.

15. Flood Risk Assessment - EA

The development shall be carried out in accordance with the submitted flood risk assessment, received 16th March 2020, and the following mitigation measures it details:

- a. No buildings shall be sited within flood zones 2 or 3
- b. No ground raising to occur within flood zones 2 or 3

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with paragraph 163 of the NPPF.

16. 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 and the Lead Local Flood Authority. 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.

17. Ecology Required

Prior to the commencement of development an Ecological Assessment must be submitted to and approved in writing by the local planning authority. The assessment shall provide details of the provision of any required mitigation in accordance with the recommendations of the Planning Practice Guidance for Protected Sites and Species. The development shall be carried out in accordance with the recommendations and mitigation measures detailed in the assessment. Thereafter the mitigation works shall be retained on site in perpetuity.

Reason: To protect and enhance the ecology and biodiversity of the site and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development having regard to policy CS4 of the Local Plan and section 15 of the NPPF.

18. Adjacent/Nearby Commercial Premises Noise Assessment

Prior to the commencement of development a noise assessment from a noise consultant detailing the level of attenuation that is created by any existing structures and a scheme detailing the noise levels that residents are likely to be exposed to from the neighbouring/nearby commercial premises and sports pitches together with a scheme designed to protect these dwellings from any noise transference must be submitted to and approved in writing by the Local Planning Authority. The levels required to be met in habitable rooms of the proposed accommodation are those set in BS 8233(2014) measured when the neighbouring commercial business is in use. The report should also identify all works that will be necessary to protect the residents from noise. Any scheme provided to protect the proposed development from noise shall be completed prior to any of the residential/student accommodation hereby approved being occupied. Any mitigation works must be retained on site in an operational state for the lifetime of the building.

Reason: To ensure a satisfactory form of development in the interests of the amenities of residents having regard for policies DC1, CS5 of the Local Plan and section 12 of the NPPF.

19. Commercial Premises Noise Assessment

A BS: 4142 noise assessment shall be submitted to and approved in writing by the Local Planning Authority before the use hereby commences. The assessment shall identify noise levels at the site along with the noise which will be generated at the development and its impact upon neighbouring premises. The assessment should identify noise from sources such as deliveries being made, noise from fixed plant and machinery at the development and noise from the use of the car park. The assessment should include details of any measures identified to protect neighbouring premises from noise. Any measures identified in the assessment to protect residents from noise generated due to the use of the site should be implemented before the

use of the development commences and must be retained on site in an operational state for the lifetime of the development.

Reason: To ensure a satisfactory form of development in the interests of the amenities of residents having regard for policies DC1, CS5 of the Local Plan and section 12 of the NPPF.

20. Validation Testing of Sound Attenuation

Before the use of the development is commenced validation testing of the sound attenuation works shall be carried out and the results submitted to and approved in writing by the Local Planning Authority. Such validation testing shall:

- a) Be carried out in accordance with the approved noise assessment; and,
- b) Demonstrate that the specified noise levels have been achieved.

In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented on site before the use of the development is commenced. Any mitigation works must be retained on site in an operational state for the lifetime of the building.

Reason: To ensure a satisfactory form of development in the interests of the amenities of residents having regard for policies DC1, CS5 of the Local Plan and section 12 of the NPPF.

21. Air Quality Assessment

Prior to the commencement of development an Air Quality Assessment, as detailed in EPUK & IAQM Land-Use Planning & Development Control: Planning For Air Quality (2017) must be submitted to and approved in writing by the Local Planning Authority. The Air Quality Assessment will demonstrate the likely changes in air quality or exposure to air pollution as a result of the development, and will detail any mitigation necessary. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in the interests of the amenities of residents having regard for policies DC1, CS5 of the Local Plan and section 12 of the NPPF.

22. Contaminated Land Site Investigation

Prior to the commencement of development a full and competent site investigation including risk assessment must be undertaken and submitted to and approved in writing by the Local Planning Authority. This must identify any contamination present and specify adequate remediation. The development must be carried out in accordance with the approved risk assessment and remediation scheme.

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: To ensure the appropriate decontamination of the site in the interests of safety, local amenity and the amenities of the occupiers of the site having regard for policies DC1, CS5 and section 12 of the NPPF.

23. Changing Facilities and Sports Pitches

The changing facilities must be built and the sports pitches laid out, and available for use prior to the occupation of the dwellings hereby approved.

Reason: To ensure the sports facilities are retained having regard for policies CS4 and DC1 of the Local Plan and section 8 of the NPPF.

24. Ball Stop Netting

Full details and specifications of the ball stop netting to be erected around the sports pitches, including its management and maintenance, must be submitted to and approved in writing by the Local Planning Authority. Thereafter the ball stop netting must be erected on site in accordance with the approved details prior to the first use of the pitches and prior to the occupation of any dwellings hereby approved. The ball stop netting shall be retained on site in an operational state in perpetuity.

Reason: In the interests of safety, local amenity and the amenities of the occupiers of the site having regard for policies DC1, CS5 and sections 8, 9 and 12 of the NPPF.

25. Sports Provision Management Plan

A Sports Provision Management Plan including the long term objectives, management and responsibilities and maintenance schedules in perpetuity for the sports pitches and changing facilities, shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the sports provision/occupation of the dwellings, or within 12 months of commencement of works on site, whichever is the sooner. Thereafter the Sports Provision Management Plan must be implemented on site.

Reason: To ensure the sports facilities are fit for purpose having regard for policies CS4 and DC1 of the Local Plan and section 8 of the NPPF.

26. Assessment of Ground Conditions – Sports

No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing pitches which identifies constraints which could adversely affect playing pitch quality; and,
- (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing pitch quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of works.

The approved scheme shall be carried out in full prior to the first occupation of the dwelling houses hereby approved. The land shall thereafter be maintained in accordance with the scheme and made available for playing pitch use in accordance with the scheme.

Reason: To ensure that the playing pitches are prepared to an adequate standard and are fit for purpose having regard to Policies DC1, CS4 and H33 of the Local Plan and to accord with paragraph 97 of the NPPF.

## **REASON FOR APPROVAL**

The proposed development of housing, sports pitches and changing facilities 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 55 dwellings on this site is acceptable.

The retention of sports pitches and the erection of changing facilities is considered to enhance 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

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## **INFORMATIVES**

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### Discharge of Condition Fee

Under the Town & Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2018, the Council must charge a fee for the discharge of conditions. Information relating to current fees is available on the Planning Portal website <https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>. Please be aware that where there is more than one condition multiple fees will be required if you apply to discharge them separately.

### Civil Ownership Matters

This permission refers only to that required under the Town and Country Planning Act 1990 (as amended) and does not include any other consent or approval under any enactments, byelaw, order or regulation. The grant of planning permission does not override any third party rights which may exist over the application site.

In addition, you are advised that any works affecting party walls or involving excavations for foundations adjacent to a party wall you will be required to serve notice on all adjoining owners before work commences and adhere to the requirements of the Party Wall Act 1996.

### Rights of Access/Encroachment

This planning approval does not permit any person to access another person's land/property to enable the works to be completed, without their consent. Any encroachment into another person's land/property above or below ground is a civil matter to be resolved between the relevant parties.

### Building Regulations

Compliance with Building Regulations will be required. Before commencing works it is recommended that discussions take place with the Building Control section of this Council. You can contact Building Control on 01642 729375 or by email at [buildingcontrol@middlesbrough.gov.uk](mailto:buildingcontrol@middlesbrough.gov.uk).

Where a building regulations approval is obtained which differs from your planning permission, you should discuss this matter with the Local Planning Authority to determine if the changes require further consent under planning legislation.

### 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. The applicant is advised to contact all the utilities prior to works commencing.

### Design Guide and Specification

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

### Adoption of Highway - S38

The applicant is advised that prior to the commencement of works on site they should contact the Highway Authority (01642 728156), with a view to preparing the necessary drawings and legal work required for the formal adoption of the new highway layout. The S38 Agreement should be in place prior to the commencement of works on site.

### Dilapidation Survey

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused. Under the terms of the 1980 Highways Act Middlesbrough Council will seek to recover any expenses incurred in repairing or making good such damage. The applicants are therefore strongly advised to carry out a joint dilapidation survey with the authority prior to and upon completion of, works on site. (01642 728156)

### Discharge into Watercourse/Culvert

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

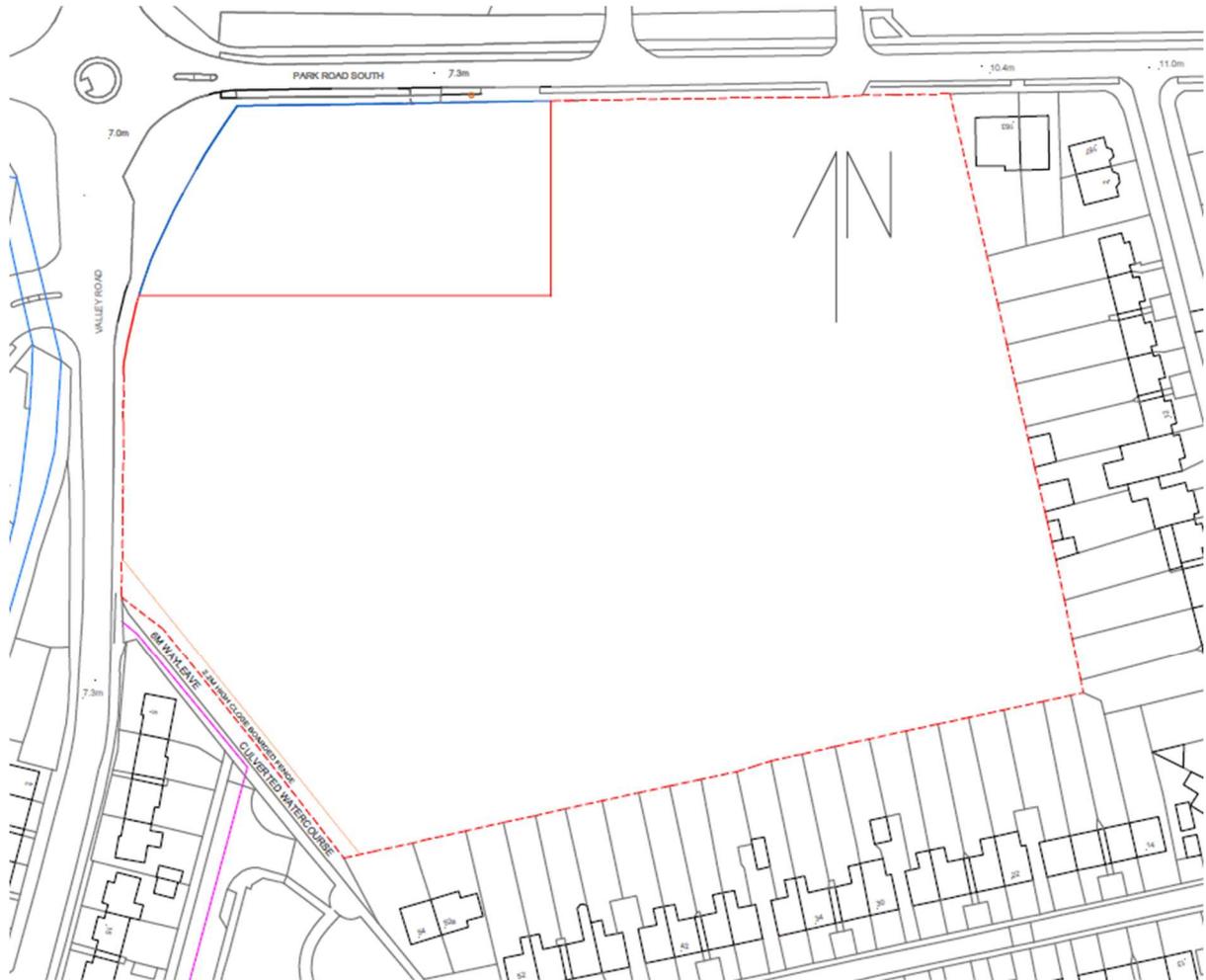
### Sustainable Drainage Systems

Sustainable Drainage Systems (SuDS) should be considered when designing drainage, driveways and car parking areas.

Case Officer: Shelly Pearman

Committee Date: 10<sup>th</sup> July 2020

**20/0159/OUT - Acklam Iron And Steel Works Club Park Road South, Middlesbrough**  
**Appendix 1: Site Location Plan**



## Appendix 2: Indicative site layout plan detailing access

