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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>23/0061/FUL</b>
<b>Location:</b>	<b>Site of former Southlands Centre, Ormesby Road, Middlesbrough TS3 0HB</b>
<b>Proposal:</b>	<b>Erection of single storey community facility (F2(b) use class) comprising a multi-use hall and multi-purpose rooms, including ancillary community café and office spaces; creation of multi-use games area (MUGA) with associated fencing and floodlighting; construction of associated car park, access roads and landscaping</b>
<b>Agent:</b>	<b>Design Services, Middlesbrough Council</b>
<b>Ward:</b>	<b>Park End/Beckfield</b>
<b>Recommendation:</b>	<b>Approve Conditionally</b>

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**SUMMARY**

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The application seeks planning permission for the erection of a single storey community facility, a new multi-use games area (MUGA) and associated works on the site of the former Southlands Centre.

A similar application was submitted in 2021 for a community facility and associated car park, although this was deferred at the meeting of the Planning Committee on 9<sup>th</sup> April 2021. At the time, Members principally raised concerns over the position of the vehicular access to the facility, which was through the residential estate, as well as an outstanding objection from Sport England. The application was subsequently withdrawn.

The key considerations with the current application relate to the principle of development on Green Wedge and Primary Open Space, the design and arrangement of the proposals, the highways related issues such as vehicular movements and access to the site, the requirements of Sport England, and the implications including potential noise nuisance on surrounding properties.

The report concludes that the proposed building is of a high quality and situated at a distance away from residential properties not to unduly harm their amenities. The only development within the Green Wedge and Primary Open Space is the new MUGA which has been designed in a way to minimise the impact on the local area.

Issues relating to the likely noise levels from activities at the proposed community facility and MUGA have been considered as well as the implications of traffic movements on nearby properties, although none have been deemed as having harmful impacts.

It is, therefore, the officer recommendation to approve subject to conditions.

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

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The application site forms part of the grounds of the former Southlands Centre, as well as land to the north.

Residential properties are situated along much of the southern boundary of the site, Middle Beck run along the eastern boundary, Ormesby Road is situated to the west, and the Unity City Academy is situated to the north.

Planning permission is sought for the construction of a new community centre facility comprising a single storey building to be used as a multi-function hall and multi-purpose rooms with associated car park and other works. It is worth noting that the proposed development forms part of a phased development (funding permitting), with this being the first phase.

Consent is also sought for a new MUGA with associated fencing and lighting.

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## **PLANNING HISTORY**

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### 18/0568/PNO

Demolition of Southlands Leisure Centre  
Prior Notification Approved  
13<sup>th</sup> September 2018

### 21/0058/FUL

Erection of single storey community facility, comprising of a multi-use hall and 2 multi-purpose rooms with associated car park and external works  
Deferred at Planning Committee 9<sup>th</sup> April 2021. Members principally raised concerns with regards to the position of the vehicular access to the facility, which was through the residential estate to the south, as well as an outstanding objection from Sport England.

After the deferral, the applicant has given consideration to an alternative access (off the existing roundabout) and engaged in discussion with Sport England.  
The 2021 application was subsequently withdrawn and the current application submitted.

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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:

#### **Core Strategy:**

DC1 (General Development),

CS4 (Sustainable Development),  
CS5 (Design),  
CS13 (A Strategy for the Town, District, Local and Neighbourhood Centres),  
CS14 (Leisure Development),  
CS18 (Demand Management) and  
CS19 (Road Safety)

**Housing Local Plan:**

H1 (Spatial Strategy),  
CS17 (Transport Strategy) and  
CS20 (Green Infrastructure)

**Saved Local Plan:**

E2 Green Wedges  
E3 Development Adjoining Green Wedges  
E7 Primary Open Space (Existing): Protection from Development  
E10 Secondary Open Space: Protection from Development  
E28 Recreational Uses in the Countryside and in the Green Wedges

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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Consultation with surrounding neighbours through a letter-drop exercise has been undertaken – and is still underway – and does not expire until the 16<sup>th</sup> March 2023. Additional to the letter-drop exercise, two site notices have been displayed near to the site (one at the site entrance off Ormesby Road and the other at Blanchland Road).

At the time of writing, no objections or other representations had been received.

As the consultation phase does not expire until 16<sup>th</sup> March 2023 – which is the day before the Planning Committee meeting – any comments that may be received shall be reported directly to Committee at the meeting on the 17<sup>th</sup> March 2023.

### Responses from Internal Technical Services

#### MBC Planning Policy

Initially, there were concerns from the Planning Policy service as the proposed café is not within a centre as recognised on the Local Plan proposals map and no justification nor sequential assessment has been provided. However, it has been clarified by the applicant that the café proposed would simply be for the community facility and the offices used as part of the facility. Therefore, the proposals are considered to have a locational requirement and in accordance with the NPPF.

#### MBC Highways

Given the existing infrastructure and location, the site is considered to be highly sustainable. There are no objections to the proposals subject to five conditions, including adherence to the submitted Travel Plan, implementation of the turning areas and parking areas, details of off-site highways works, and a method of works statement.

#### MBC Flooding Officer

No objections with the proposed method of surface water disposal from the development. Conditions are recommended for details of surface water drainage and its management.

#### MBC Waste Policy

No objections, although it is noted refuse collection vehicles may have to do considerable manoeuvring to collect waste from the bin store.

#### MBC Environmental Health

There are no objections subject to two conditions requiring details of floodlighting, and adherence to the submitted Noise Assessment.

### Responses from External and Statutory Consultees

#### Sport England

No objections as the proposals are considered to meet its exception policies. Conditions are recommended that include details of the artificial grass pitch, registration of the facilities with the appropriate bodies, assessment of ground conditions, and the drafting of a community use agreement.

#### Northern Gas Networks

No objections to the proposals, although there may be apparatus in the area that may be affected by the development. Informative recommending contact with NGN has been provided.

#### Cleveland Fire Brigade

No objections to the proposals. Informative with recommendations of the access and water supplies have been provided.

#### Natural England

No comments received to date.

#### Northumbrian Water

No objections to the development. Pre-planning discussions were held to establish allowable discharge rates and connection points into the public sewer. As no drainage scheme has been submitted with the application, a condition is requested for details of the disposal of foul and surface water.

#### Secured By Design

It is recommended that the development incorporates Secured by Design principles within the scheme.

### **Summary of Public Responses**

Number of original neighbour consultations	125
Total numbers of comments received	0
Total number of objections	0
Total number of support	0
Total number of representations	0

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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1. The application before Members is a full application for planning permission for a new community facility with associated works on the site of the former Southlands Centre, as well as a new multi-use games area to the north within the Unity City Academy.
2. The following considerations are based on the proposed scheme and the consultation responses received to date. Details of any additional responses that may be received as part of the consultation period, which does not expire until the 16<sup>th</sup> March 2023, will be reported to the Committee.
3. As with consideration of all applications, whether or not comments of support, objection or general comment are received from others, it remains to be a requirement for the Local Planning Authority to consider a proposal against all material planning considerations. The considerations below represent a complete consideration of the proposal against relevant planning policy and an assessment of the impacts of the scheme on the surroundings, including neighbouring properties and their associated amenity and privacy.

#### Relevant National and Local Policies

4. National guidance relating to development for community facilities is contained within the National Planning Policy Framework (NPPF). Paragraph 20 of the NPPF states that the Councils strategic policies should 'make sufficient provision for leisure and community facilities' and that decisions should help provide community needs.
5. Section 8 of the NPPF makes clear the role of local authorities and outlines how they need to be '*promoting healthy and safe communities*'. The section advises that policies and decisions *should aim to achieve healthy, inclusive and safe places, as well as providing the social, recreational and cultural facilities and services the community needs*. Paragraph 92 states that authorities should *promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments and strong neighbourhood centres* amongst other things. The same paragraph also advises planning policies and decisions to aim for healthy, inclusive and safe places that are *safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion* as well as to *enable and support healthy lifestyles*. Paragraph 93 states that decisions should *plan positively for the provision and use of community facilities and other local services to enhance the sustainability of communities and residential environments and guard against the unnecessary loss of valued facilities and services*.
6. The relevant policies in the Local Development Plan regarding this application have been outlined in the Planning Policy section of this report. In general terms, these policies seek to achieve high quality sustainable development that is situated in the right place and minimises the impact on neighbouring occupiers.

#### Principle of Development

7. The application site is designated on the Local Plan Proposals Map as Green Wedge and Primary Open Space where the two grass pitches are proposed; and Green Wedge and mainly Secondary Open Space where the new MUGA is proposed. The parts of the site where the community building and car park are proposed are not allocated for a specific use nor is the land where the existing MUGA is located.
8. Policy E2 seeks to retain Green Wedges as open space. The Policy advises that planning permission will not be granted for development that would: affect the predominantly open, green character of the Green Wedge or create undue nuisance or disturbance to occupiers of nearby properties or to the quiet enjoyment of the open

space; harm visual amenity; adversely affect areas of nature conservation or archaeological value; impair public access to Green Wedges; or reduce the physical separation between existing development. Policy DC1 similarly requires that the impact of the development upon the surrounding environment to be minimal; that the effect on protected open space within the urban area and Green Wedges is limited. Policy E28 advises that outdoor participatory recreational uses will normally be permitted in Green Wedges subject to criteria, a number of which overlap with the criteria in Policy E2.

9. The proposed two 9 v 9 grass pitches and the new MUGA are within the Green Wedge. The MUGA will feature 4-metre-high perimeter fencing and LED lighting, although no details have been provided of the type of fencing proposed. However, subject to it being a mesh style fence that allows views through it then the MUGA would be unlikely to affect the predominantly open green character of the Green Wedge or harm visual amenity.
10. The use of the pitches is likely to generate noise from participants. The part of the Green Wedge where the MUGA is proposed is currently school playing field and, as such, is currently subject to sports/play related noise and the proposed grass pitches are adjacent to an existing MUGA. The proposed development is, therefore, considered unlikely to have a significantly detrimental impact on the quiet enjoyment of open space within the Green Wedge compared to the current situation.
11. The proposed MUGA is located within the Unity City Academy part of Green Wedge where public access is restricted so it will not impact on public access to the Green Wedge. The location of the two proposed 9 v 9 grass pitches is fenced by low railings with access points. The application does not indicate any proposed changes to this boundary treatment and hence should not impact on public access to this part of the Green Wedge. The 4-metre-high fencing and floodlighting of the MUGA by introducing a built element will reduce the physical separation between existing development, but this is considered not to a significantly detrimental extent.
12. Policy E7 seeks to safeguard Primary Open Space from development and only allows exceptions that complement its function or is of over-riding benefit to the community and would not result in the significant loss of open space which is in a Green Wedge or of significant visual or landscape value. The Primary Open Space on the site is where the two grass pitches are proposed along with the southern section of the proposed new MUGA. The proposed pitches and MUGA are considered to be appropriate uses for open space and would be of benefit to the community. The land upon which they are proposed is relatively flat mown grassland that whilst being within the Green Wedge is not of significant visual or landscape value.
13. The majority of the proposed new MUGA is located on land designated as Secondary Open Space. Policy E10 advises that planning permission for development on Secondary Open Space will be granted where it would not result in the loss of an area of significant value as a recreational, visual or amenity resource or for nature conservation. The proposed use is considered to maintain and enhance the current recreational use of the site as an amenity for the local community. As set out above, this part of the site is not considered to be of significant visual value or of nature conservation importance.
14. Policy CS20 identifies Green Wedges as part of the strategic network of green infrastructure and advises that the loss of green space that contributes to the achievement of an integrated network of green infrastructure will be resisted. As set out above, however, the only part of the development proposed in the Green Wedge is the MUGA with associated fencing/floodlighting and the 9 v 9 grass pitches.
15. Overall, it is considered that the principle of the proposed development meets the requirements of the Green Wedge, Primary Open Space and Secondary Open Space

policies and the application is, therefore, deemed to comply with the relevant criteria of DC1, E2, E7, E10, E28 and CS20.

#### Design, Scale and Impacts on Surrounding Areas

16. Policy H1 advises that development proposals need to be sited within the urban area where they are accessible to the community they serve and satisfy the requirements for sustainable development as contained in policy CS4. Such proposals also need to demonstrate how they would contribute to achieving the spatial vision and objectives of the Plan. The application site is in a suburban location adjacent to a residential area and therefore easily accessible to the community that the proposed development is intended to serve. Objective 1 of the Housing Local Plan is to stabilise population decline through the creation of sustainable communities that create an attractive environment to retain the population in the town. The Plan advises that the objective will be achieved through a combination of providing housing in locations, and of the type, that people want, and through improvements to the local environment and investment in facilities and infrastructure. The proposed community centre and sports pitches that are proposed by the application are considered to provide facilities and infrastructure that will contribute to the creation of sustainable communities.
17. Policy CS4 requires all development to contribute to achieving sustainable development, which includes ensuring everyone has access to leisure and other community facilities that they need in their daily lives, promotion of a healthier community, being located so that services and facilities are accessible on foot, bicycle, or by public transport, making the most efficient use of land with priority being given to development on previously developed land, in particular vacant sites, and ensuring that green infrastructure is protected. It is considered that the proposed development will improve access in the locality to sports and community facilities, and the sports facilities should bring health benefits to the users. The application site is considered to be in a sustainable location, being adjacent to residential properties and close to a bus route and cycle path. Moreover, the proposed community building is on previously developed land. Given the above, it is considered that the development would comply with the criteria of CS4.
18. Policy CS5 requires, amongst other things, all development to demonstrate a high quality of design in terms of layout, form and contribution to the character and appearance of the area. Similarly, Policy E3 advises that development adjoining green wedges must be designed to complement the character and environment of the green wedge in terms of the scale, materials, massing, and visibility of buildings, means of enclosure, and design and provision of landscaping. The proposed design features a variety of roof heights and slopes that along with a range of proposed materials help to break up the scale of the building and add visual interest whilst being functional to accommodate a community hall. The Design and Access statement advises that additional trees will be provided to soften the impact of the building and car park area.
19. As the proposed building has a contemporary design, it is considered to be in accordance with the principle of CS5. The chosen design and materials are considered to complement the surrounding residential environment. The external elevations will be finished with facing bricks at a low level with coloured render above, the pitched roof will be finished with composite metal. A condition is recommended that appropriate materials and colours are used in the finished appearance.
20. It is noted that the building design features measures to minimise potential crime and other unauthorised access to the facility, and the location of the building is relatively well positioned, with natural surveillance from the surrounding residential area, all of which are in line with the guidance of the NPPF.
21. Policy DC1 seeks to ensure that the effect upon the surrounding environment and the amenities of occupiers of nearby properties will be minimal as a result of development.



The nearest properties are considered to be those to the south of the site – those located on Blanchland Road – which would be separated from the side elevation of the facility by a distance of approximately 21 metres. For a development of this type and scale (it is noted that the lowest part of the building is nearest the residential properties), it is considered that such a separation distance would be suitable and minimise the impacts of the scheme as a result of its presence and scale.

22. The existing car park to the north of Blanchland Road is to be resurfaced and extended. Whilst this may bring some additional noise and disturbance, it is not anticipated that this would bring significant undue levels of noise and disturbance into the area and would therefore not be unduly detrimental to residential amenity. To minimise the visual impact of the appearance of a car park on the nearby residential properties, soft landscaping and tree planting is being introduced, the details of which can be secured by a suitably worded condition.
23. The use of the pitches is likely to generate noise from participants and from footballs hitting the fencing, which may have harmful impacts on the levels of residential amenity of nearby occupiers. As noted earlier in the report, the part of the Green Wedge where the MUGA is proposed is currently school playing field and, as such, is currently subject to sports/play related noise and the proposed grass pitches are adjacent to an existing MUGA.
24. To assess the likely impacts, the application has been supported by a noise assessment of the impact on nearby properties. This has been considered by officers in the Council's Environmental Health service, who raise no objection subject to the implementation of the development in line with the recommendations of the noise assessment. With this in place, it is considered therefore that the proposed development is unlikely to have a significantly detrimental impact on residential amenity.

#### Sequential Assessment

25. As noted earlier in the report, the proposed building will accommodate community facilities, including ancillary café and offices. The community facility is considered to accord with the criteria of Policy H1 as set out above.
26. In isolation, cafés and offices are deemed to be main town centre uses as defined by the NPPF. Core Strategy Policy CS13 advises that new retail and office development will be directed to the Town Centre and requires a sequential approach to be applied when considering proposals for new town centre uses outside of designated centres. Section 7 of the NPPF similarly requires that Local Planning Authorities apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.
27. The proposed café and offices are in an out-of-centre location. However, it is noted that the proposed café use does not have a dedicated floorspace on the floor plans; its use is not intended to provide a service to the wider public but will primarily operate and serve those persons who utilise the facility. Whilst the NPPF does not have a minimum threshold for when the sequential test should be applied, the National Planning Practice Guidance (PPG) does advise that the use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements, which mean that they may only be accommodated in specific locations. The PPG requires robust justification to be provided where this is the case.
28. Although the applicant has not submitted a sequential test or provided robust justification for why the café and offices cannot be located in a sequentially preferable location, the principal objective of the café would be to serve the users of the community facility, whereas the offices are for community benefit and the management of the

proposed facility rather than being general use offices to be occupied by any businesses. They are seen to be integral to the use of the building for community uses and help ensure their long-term viability as such. A condition is recommended to ensure that the café and office uses are ancillary and remain as such in perpetuity. Given this intention, the proposed development is considered to be in accordance with Policy CS13 and Section 7 of the NPPF.

#### Sport England Considerations

29. 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.
30. Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 99), and against its own playing fields policy, which states: *'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of: all or any part of a playing field, or land which has been used as a playing field and remains undeveloped, or land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions'*.
31. There are considered to be a number of elements within the proposals that impact on playing field. The proposed artificial grass pitch (AGP) proposed for the Unity City Academy's playing field is the most major element, but additionally there are footpaths and car parking areas proposed. As the proposals relate to the provision of a new sports facility on the existing playing field, the application needs to be considered against exception 5 of Sport England's Playing Field Policy, which states: *'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'*.
32. Sport England has assessed the potential benefit of the new and extended sports facility by taking into account a number of considerations. These may include whether the facility:
  - meets an identified local or strategic need e.g. as set out in a local authority or NGB strategy (rather than duplicating existing provision);
  - fully secures sport related benefits for the local community;
  - helps to meet identified sports development priorities;
  - complies with relevant Sport England and NGB design guidance;
  - improves the delivery of sport and physical education on school sites; and
  - is accessible by alternative transport modes to the car.
33. Proposals also need to demonstrate that the loss of any area of playing field will not have an unacceptable impact on the current and potential playing pitch provision on the site. As one of the stated ambitions of the proposed development is the creation of a football hub, Sport England has sought the views of the Football Association on the development. Through its delivery arm – the Football Foundation (FF) – the Football Association advises the following:

*'The Middlesbrough Playing Pitch Strategy (PPS) (2019) identified a shortfall of three full sized 3G pitches for football across the local authority. This proposal for an additional full sized 3G pitch was tested as a scenario in the PPS as a potential location to reduce the shortfall, as well as being identified in the Middlesbrough Local Football Facility Plan (2019, to be updated) as a priority project for potential FF funding. The proposal would*

*incorporate delivery of S106 from the loss of playing fields at Marton Avenue as mitigation.*

*FF is presently working with the applicant to develop the proposal, with the intention of pursuing a future FF application for grant funding support for this project. The project is in the early stages of progressing through the FF 3G pitch framework. Given that FF is engaged with this proposal and FF funding being key to the delivery of it, we are content that, though design guide compliance will be ensured through the framework process, full detail of design and specification can be conditioned.*

*Potential use of the 3G pitch and grass pitches includes Unity City Academy (school), with the new 3G pitch location proposed to be within the Academy boundary line. Proposed partner clubs for community use are yet to be determined, though significantly sized clubs in the area include Riverside Juniors FC, Prissick Rovers FC and Boro Rangers FC.*

*Resurfacing of the existing 3G pitch is proposed at the same time as part of the wider project but this aspect will be funded by the local authority via the collected sinking fund, a condition of initial FF funding for the pitch.'*

34. Sport England has advised that it concurs with the response of the Football Foundation, and considers the creation of a football hub at Southlands/Unity City Academy will be of significant benefit to football development and participation in Middlesbrough. As a result, it is considered that the proposal meets playing field policy exception 5. Moreover, the proposed paths and car parks are considered important in ensuring that the football hub functions across the Academy and community centre sites and they are deemed to be in compliance with the playing field policy exception 2.
35. Whilst the proposed development does not replace the playing field that will be lost to housing development at Marton Avenue, Sport England accepts that the proposed developments at Southlands/Unity City Academy will offer significant benefits to sport that represent adequate compensation for the failure to comply with playing field policy.
36. Given the above assessment, Sport England offers no objection to the application, which is considered to meet exception 5 and exception 2 of their playing field policy. The Sport England no objection, however, is subject to four conditions being imposed which require details of the artificial grass pitch, registration of the pitch with the relevant bodies, an assessment of the ground conditions, and the drafting of a community use agreement.

#### Highways Related Matters

37. Policy CS17 advises that the Council, in association with partners, will seek to deliver a sustainable transport network, which promotes alternative modes of transport other than the private car whilst reducing the need to travel. The Policy also expects all major developments to include a comprehensive network of cycleways and pedestrian routes that permeate throughout the site and link into the wider strategic network. Additionally, Policy CS18 requires development proposals to incorporate measures that improve the choice of transport options available to people, including promotion of schemes for cycling and walking. In order to assess the application against these Policies, the application has been supported by both a Transport Statement and Travel Plan; the scoping of which have been agreed with officers.
38. Traffic generation of the proposed uses has been established using the nationally recognised TRICS database and supplemented with Tees Valley Highway Design Guide parking standards. This approach has demonstrated that the peak periods of operation of the site will occur outside of the peak periods of operation of the highway network. The level of traffic generation, especially when taking into account the existing MUGA

facility at the site, is not material and does not require further assessment of the operation of the network.

39. The TRICS data and parking standards have been used in conjunction to identify the most appropriate level of car parking for the site. This assessment has identified a peak accumulation/demand in parking of 50 spaces. Vehicular access to the proposed development is to be taken from the existing roundabout access onto Ormesby Road. This internal access road leads to a car park which is to provide 98 car spaces (including 5 disabled spaces). Turning and parking for two coaches within the site is also proposed and demonstrated to be practical with swept path analysis.
40. Pedestrian and cycle access is provided in the form of a new 3.6 metres shared route, which runs east-west through the site and links up with adjoining residential areas. This facility leads to a proposed new Toucan signalised crossing on Ormesby Road just south of the existing roundabout, which will further encourage safe pedestrian access.
41. At this location, pedestrians currently have to wait for traffic, cross in two stages and hold in a pedestrian refuge when crossing Ormesby Road. The highway works consist of upgrading this existing uncontrolled pedestrian crossing to a signalised Toucan crossing, which will also connect into existing shared ped/cycle routes which run along Ormesby Road. These works will improve non-car accessibility to the site and will be secured by a suitably worded condition.
42. Bus stops exist immediately north and south of the proposed Toucan and are well served by a number of frequent bus services.
43. Given the above infrastructure and location the site can be considered to be highly sustainable, which will reduce the need to travel by car. In order to support this approach, a Travel Plan has been submitted which will also be secured by condition.

#### Drainage Related Matters

44. While it is noted that a Flood Risk Assessment (FRA) has been provided, which assesses the sources of flood risk, it does not appear to provide information on the proposed discharge location or run off rate.
45. The FRA is to be amended providing clarification on the proposed discharge of surface water into the private culvert that crosses the site. The FRA has indicated that storm water events up to and including the 1 in 100 year plus 40% climate change would be attenuated by way of a tank towards the north eastern corner of the site. In principle, there are no objections to the proposed development or the suggested proposed disposal method for the surface water into the culvert that crosses the site at a discharge rate of 4 litres per second.

#### Conclusion

46. It is concluded that the proposed development would constitute a high quality, sustainable development, which will go towards enhancing the site of the former Southlands Centre and provides community facilities and resources to meet anticipated demand. Moreover, the design and layout of the scheme are acceptable and generally in accordance with the relevant local and national policies given there will be only limited adverse impacts on the surrounding residential area.
47. There are no additional material planning considerations that officers are aware of at this stage, however, it has been noted that the overall consultation period for the application does not expire until the 16<sup>th</sup> March 2023. As such, additional matters may need to be taken into account which need to be reflected in the scheme, its design or its

layout. Any comments that may influence the above findings shall be reported to Members at the Committee meeting.

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## RECOMMENDATIONS AND CONDITIONS

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### Approve with Conditions

1. Time Limit

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

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. Approved Plans

The development hereby approved shall be carried out in accordance with the following approved plans:

- a) Red Line Site Boundary (A00)
- b) Proposed Site Plan (A01)
- c) Proposed Layout Plan (A02)
- d) Proposed Elevations (A03)

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

3. Samples of Materials

The development hereby approved shall only be carried out using finishing materials of which samples have been submitted to and approved by the Local Planning Authority. This shall include materials to be used in the construction of the community facility building as well as the bin store screening/fencing.

Reason: To ensure the use of satisfactory materials.

4. Ancillary Café and Office Space

The café use and office space approved as part of the development hereby approved shall at all times remain ancillary elements to the community facility. The café use shall only be used to serve users of the community facility, and the offices shall only be for local community benefit or management of the facility and not for general use by a business.

Reason: To ensure an acceptable form of development that is in accordance with Policy CS13 and Section 7 of the National Planning Policy Framework.

5. Soft Landscaping

Prior to the occupation of any community facility hereby approved, a detailed scheme for tree planting and associated soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall include details of the proposed trees to be planted, including their species, size and location. The tree planting and associated landscaping works shall take place during the first available planting season (October-March) following the completion of

building works on the site. The Local Planning Authority shall be notified within two weeks of the landscape planting works.

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

6. Landscape Management Plan

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

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

6. Replacement Planting

If within a period of five years from the date of the planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: In the interests of the general amenities of the area and a satisfactory landscaping scheme.

7. Disposal of Foul and Surface Water

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.

8. 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 principles as outlined in the Flood Risk Assessment (SLCS-BGP-00-XX-RP-C-002) 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 ( $Q_{bar}$  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 exceedence 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.

9. 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.

10. 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 (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.

11. Turning/Servicing

No part of the development hereby approved shall be brought into use until facilities clear of the public highway have been provided for the manoeuvring of vehicles in accordance with the approved drawing, or such drawings which are subsequently submitted to and approved in writing by the Local Planning Authority. The drawings shall show means of access, dimensions, surface treatment and drainage. The

areas so provided shall at no time be used for any other purpose and retained thereafter for such purposes.

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.

12. Car and Cycle Parking Laid Out

No part of the development hereby approved shall be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

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.

13. Off-Site Highway Works

The development hereby permitted shall not come into use until the highway works detailed below have been carried out in accordance with the submitted drawing(s) Proposed Site Plan Drawing A01 or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority:

- i. Removal of the existing pedestrian refuge South of the Sandringham Road/Ormesby Road/Site access roundabout and provision of a Toucan crossing together with associated infrastructure

Reason: In the interests of providing a safe means of access to the site by all modes of transport and to minimise disruptions to the free flow of traffic having regard for policies DC1 and CS5 of the Local plan and sections 9 and 12 of the NPPF.

14. 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:

- i. Routing of construction traffic, including signage where appropriate,
- ii. Arrangements for site compound and contractor parking,
- iii. Measures to prevent the egress of mud and other detritus onto the public highway,
- iv. A jointly undertaken dilapidation survey of the adjacent highway,
- v. Program of works, and,
- vi. 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.

15. Travel Plan

Within 3 months of the commencement of development hereby approved a full Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented prior to first occupation with the development thereafter being occupied in accordance with the approved Travel Plan unless agreed otherwise in writing by the Local Planning Authority.



Reason: To promote sustainable transport measures for visitors/staff/residents having regard for policy CS4 of the Local Plan and section 9 of the NPPF.

16. Details of Artificial Pitch

No development affecting playing field shall commence until details of the design and layout of the floodlit artificial grass pitch, including fencing, lighting and surfacing details, have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The floodlit artificial grass pitch shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable.

17. Turf Certification and Pitch Registration

Use of the development shall not commence until:

- a) Certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS), and
- b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable, and provides anticipated sporting benefits

18. Assessment of Ground Conditions

- a) 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 grass playing pitches which identifies constraints which could adversely affect playing field quality; and
  - ii. Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field 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 implementation.
- b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose

19. Community Use Agreement

Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the artificial grass pitches and grass pitches and include details of pricing policy, hours of use, access by non-academy users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement."

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport.

20. Details of Floodlighting

Details of any floodlighting to be used at the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the use commences. The details shall include a plan which identifies the location of lighting columns along with lighting levels that will be provided at the development and at the facades of neighbouring premises, and the hours of operation of the lighting. The construction and use of the floodlighting shall be carried out in accordance with the approved details and shall be retained in an operation state for the lifetime of the use.

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. Approved Noise Assessment

The use hereby approved shall be developed in accordance with Noise Assessment Reference 10519.1, which was submitted to the local planning authority in support of the application. Any deviations from the recommendations made in the report shall be submitted to the local planning authority for approval.

Prior to the installation of any fixed plant or machinery, further noise assessment shall be undertaken and the details of which submitted to the local planning authority for written approval.

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.

## **REASON FOR APPROVAL**

The proposed community facility, multi-use games area with associated works is considered to be appropriate as it is in full accordance with national and local planning policies, statements and guidance.

In particular, the proposals are in accordance with the National Planning Policy Framework, and the policies regarding community development, sustainable development, the efficient use of land, appropriate scales of development, the protection of open spaces of different characters and uses, good quality design, and transport and accessibility, whilst proposing a development that 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.

Issues of principle regarding the use of this site and the generation of traffic have been considered fully and are not considered, on balance, to give rise to any inappropriate or undue affects. Accordingly, the Local Planning Authority considers that there are no material planning considerations that would override the general assumption that development be approved unless other material factors determine otherwise.

## **Informatives**

Informatives: Cleveland Fire Service

Access and Water Supplies should meet the requirements as set out in: Approved Document B Volume 2: 2019, Section B5 for buildings other than Dwellings. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2.

Cleveland Fire Brigade is fully committed to the installation of Automatic Fire Suppression Systems (AFSS) in all premises where their inclusion will support fire safety. It is therefore recommended that as part of the submission consideration is given to the installation of sprinklers or a suitable alternative AFS system.

#### Informative: Northern Gas Networks

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. The promoter of these works should contact Northern Gas Networks directly on 0800 040 776 (option 5) to discuss the requirements in detail. Should diversionary works be required these will be fully chargeable.

#### Discharge of Condition Fee

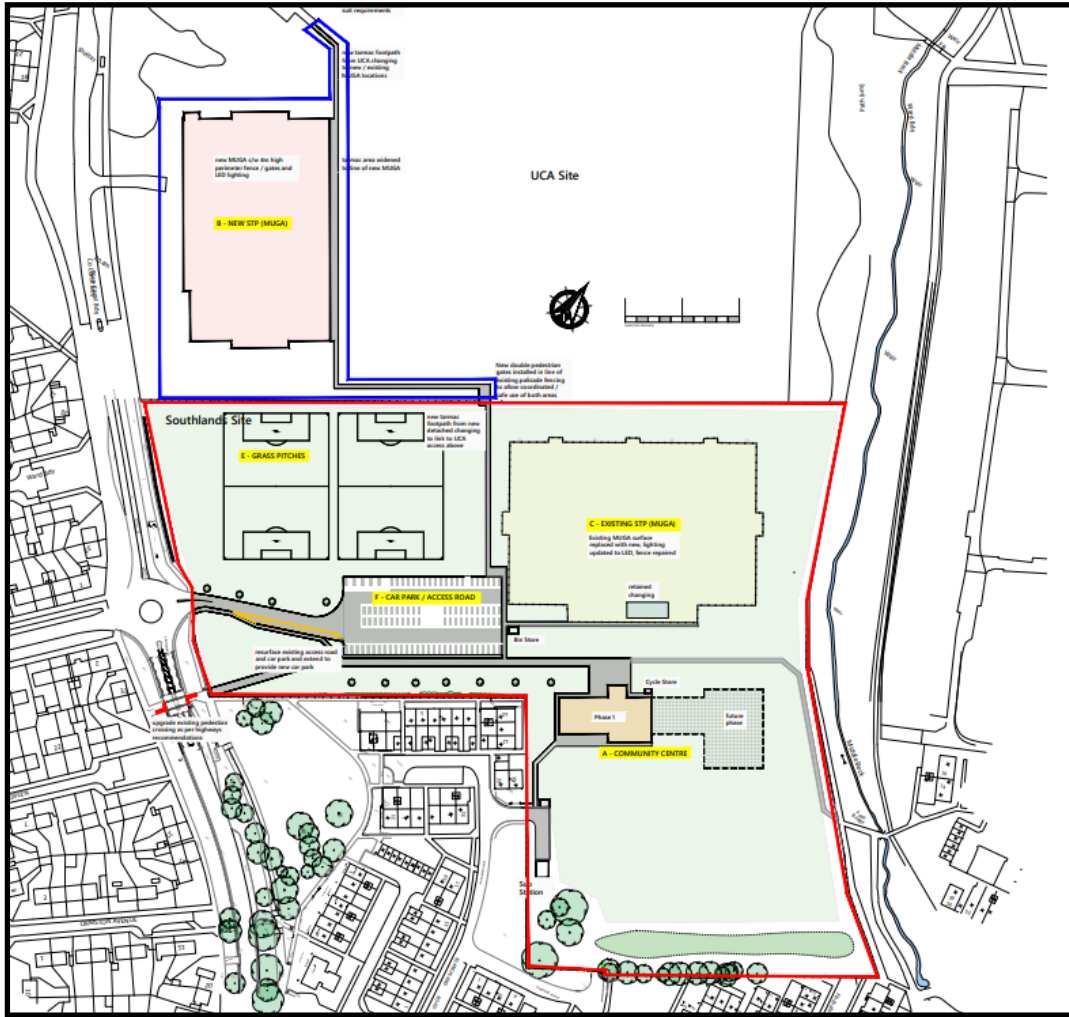
Under the Town & Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2018, the Council must charge a fee for the discharge of conditions. Information relating to current fees is available on the Planning Portal website <https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>.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

Case Officer: Peter Wilson

Committee Date: 17<sup>th</sup> March 2023

# Appendix:

## Proposed Site Plan



## Location Plan

