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**APPLICATION DETAILS**

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<b>Application No:</b>	23/0166/FUL
<b>Location:</b>	The Avenue Play Park, Nunthorpe, Middlesbrough, TS7 0AG
<b>Proposal:</b>	Installation of play equipment
<b>Applicant:</b>	Craig Coverdale
<b>Company Name:</b>	Middlesbrough Council
<b>Ward:</b>	Nunthorpe, Ward buffer = Marton East, Ward buffer = Nunthorpe
<b>Recommendation:</b>	Approve Conditionally

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**SUMMARY**

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The application seeks planning approval to install additional play equipment at The Avenue Play Park in Nunthorpe. Additional equipment will include a children's trim trail and a fitness/stretch station, monkey bars and a basketball hoop, comprising 9 additional items overall.

Objections were raised from residents with regards to anti-social behaviour, increased traffic, safety and intimidation, placement of certain pieces of equipment. Matters were also raised the regarding existing CCTV at the site and request for additional coverage and lighting.

Taking into account the provision of equipment is set away from houses within the area where existing play equipment is located, with a degree of natural surveillance as well as existing CCTV coverage it is considered that the proposal will not have an adverse impact on the character of the area and will update the existing equipment and be a complementary addition to the existing established play park and will be of public benefit and provide children with a greater provision. It is also considered that the equipment is shown in positions that will limit any impacts associated with the use of the equipment on residential amenity and highway safety.

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**SITE AND SURROUNDINGS AND PROPOSED WORKS**

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The planning application site relates to The Avenue Play Park, forming part of a larger area that is defined as Primary Open Space within the Councils Local Plan. The application seeks planning approval for additional play equipment within this established designated play park. The existing park and play equipment is to the west of The Avenue in Nunthorpe across the road from a small parade of shops. There is a public footpath that runs through the open space

and along the edge of the park from The Avenue up to The Resolution. The area surrounding the park and wider area of open space is predominately of a residential nature.

There are currently six play assets on the play park site which cater largely for younger children. This proposal has therefore chosen items of play/fitness for both older children & adults and intentionally clusters the assets into different age categories.

The additional equipment proposed are a Children's Trim Trail, consisting of 7 individual play items along with an Activity Area, consisting of 3 individual items comprising of monkey bars, stretch/fitness station and basketball hoop.

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## PLANNING HISTORY

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No relevant planning history

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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).
- Stainton and Thornton Neighbourhood Plan (2022)

### 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:

E7 – Primary Open Space  
DC1 - General Development  
CS4 - Sustainable Development  
CS5 - Design

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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### Public Responses

Number of original neighbour consultations	33
Total numbers of comments received	7
Total number of objections	6
Total number of support	1
Total number of representations	7

Two site notices were also posted on site.

Valuation & Estates –

No objection to the installation of play equipment as proposed.

Environmental Health –

No comments

Local Flood Authority -

Based on flood mapping it appears that the site is not impacted by surface water flooding.

Cleveland Police/Secure By Design –

On a site-specific basis, I recommend care in the positioning of the additional equipment in this location to ensure that its usage will not cause issues for the nearby flats or for users of the existing pathways. Locating the equipment suitably distanced from these will reduce opportunities for future issues. The shrubbery and tree canopies surrounding the play area should be pruned/crowned to maximise both formal and informal surveillance across the facility from the aforementioned flats as well as The Avenue and also the cctv camera that is in situ. Shrubby should not be above 1m in height and the tree canopy should be above 2.0m to allow for the corridor of sight to be maximised. Materials used for the equipment should be of a robust nature and resistant to damage, fire and for graffiti to be easily removed. Having consulted with Local Neighbourhood Policing I am aware that this location, like a lot of similar such locations, can attract sporadic anti-social- behaviour issues. Careful design and management, including implementing these recommendations can assist in reducing these opportunities.

Neighbourhood Safety Officer –

Cllr McClintock has brought to my attention the planning application for the additional play equipment at The Avenue Play Park in Nunthorpe. I cover this area in relation to ASB and we do get sporadic reports of older youths causing issues in the area. Can I ask if as part of the installation consideration has been given to additional lighting / CCTV cameras. We only have one camera in the Play Park and the coverage is quite limited due to lighting and foliage.

103 The Avenue –

Lived here for 40 years. No swings that I remember then. Little trouble except for the odd football coming over the fence. I believe this will be a 3rd attempt at a play centre and it should only be aimed at pre-school and primary children, as it currently is. Concur with others re the Basketball ring. Predict the teens will have that down within days of erection. More equipment will mean more users, more cars, a centre for disturbances, rubbish, small plastic bags, takeaway wrappers, food debris. I object to the proposal in the existing form.

107 The Avenue –

I'm a resident of The Avenue and my back garden faces the play area. After reading the notice I feel it would be better to place the equipment away from the children's swings slide and tyre as it attracts teenagers who abuse the equipment and congregate creating litter and offensive language which we have to listen to whilst in our gardens. Surely the green area is big enough to have them spaced out over a larger area away from our homes.

109 The Avenue –

I am in principle, in favour of the development subject to the removal of the Basketball Hoop from the application. 99% of the legitimate usage of the current equipment is Nursery and primary school children on their way home from The Avenue and St Bernadette's schools. I endorse the need for equipment to be utilised by these age groups. Having lived here for 25 years this is as asset to the neighbourhood during term time. In school holidays it is abused

by teenagers both from inside Nunthorpe and travelling teenagers coming here to 'hang out' and generally cause a nuisance. With this in mind I would like to ensure that there is a condition that the CCTV tower remains operational and monitored within the control centre between the hours of 20.00 to 08.00.

#### 1 The Resolution-

To put the application into context, the existing play is primarily for the 3-to-11-year age group, used by many Local children and Residents, It is well maintained by the Middlesbrough Council, both Residents and Council look after the landscape and litter pick, with the Shops it is all an asset to the pride we have Neighbourhood.

My comments/concerns/objections with the proposals are particularly to the 3 larger items of equipment, The location of the "A" Climbing frame and Monkey bars are far too close to the side of the tarmac public footpath this will cause confrontation and safety issues between old people and little children who use the path and any teenager antics on and around the equipment, also at night the existing lamppost will illuminate this equipment leading to night time Anti-social Behaviour. With the current existing equipment not being illuminated at night there is at present little ASB. I also have concerns regarding the basketball hoop, it is positioned on the steepest and wettest part of the grass, play would be difficult, Most importantly all these 3 items of equipment do not fit in with the existing age group play area and from my long and varied experiences over several decades of the area will lead to an increase in Antisocial behaviour

The current play area has 6 items of equipment the proposals are for an additional 8 this is a large increase in equipment and disproportionate to the existing play area. I believe that the submitted proposals will cause ASB, be disproportionate to the existing play and are not sensitive to the proximity of existing housing or other users of the Avenue/Park/Open space and our pride in the area and its facilities

I object to the application in its current form

#### 5 The Resolution -

Under Material Considerations Traffic/Highway Safety/Parking Provision In The Resolution there is a traffic parking problem and cars speeding at times. Cars can be parked all day making leaving our home difficult. Cars are left with the engine running polluting the atmosphere. The turning point is misused as parking by dog walkers and young drivers. Further development will exacerbate the situation. Noise The constant thump of a Basketball carries a long way especially in quieter times in the evening. It will not be possible for anyone to approach a basketball player and request that they stop when they are using the facility during unreasonable hours. There is similar equipment within the Avenue School playground, but this is managed and monitored and restricted to certain hours. What is being proposed will not have any level of supervision. Nature Conservation There was a recent incident of a loud explosion in the wooded area followed by fire to the dry fallen leaves. We the residents carried buckets of water over to put the fire out. This was not the first time a fire has occurred. Installation of this equipment will only bring more youths to gather and stay longer and therefore a potential for further misuse of the wooded area. Safety/Intimidation There have been a number of residents who have been subject to verbal abuse when just passing through the play area. There are a lot of older residents who currently restrict the times that they walk through the park and feel intimidated by the groups of youths that currently collect in the park area. Finally, whilst this proposal is designed to aid the health of the population there is a 'trade off' here which is unacceptable in that the health and wellbeing of the community, residents and school children will suffer with increased car

pollution, noise, danger to children from inconsiderate parking and bad behaviour from groups of youths. No one in authority seems to recognise there is a current problem here.

7 The Resolution –

It has been brought to my attention that there are to be additional items added to the Avenue play area and that this planning application has been submitted? Firstly, I live at 7 The Resolution and look onto the play area from my bedrooms and on a summers night and open windows can clearly hear noise from the play area. I would say 25 meters from the closest new item to be installed. In the design and asset statement it says and I quote: Addressing local concerns raised by residents

Following the funding award, the two ward Councillors for Nunthorpe conducted a consultation & received feedback by the local residents as follows:

Your concerns;	How we aim to address this;
The installation of additional Play/Fitness items will affect the "Village Status" of the green.	All new Play/Fitness installations will be located outside of the "Village Green" boundaries

So, would it be fair to say we would be consulted over these proposals and other houses on The Resolution? I for one CERTAINLY have had no correspondence from anyone at all regards this tripling of the play area. I am also sure no one else has been approached or mailed regards said development. The two house 9 and 11 The Resolution are even closer and I also know they suffer from anti-social behaviour / noise from the play area on a regular basis. I / We found out via social media and clearly this can't be acceptable? I would hope the poor people in the flats that are directly on the main play area have been well consulted and had their minds put at rest. I would edge by bets they have not been contacted or even aware of the proposals. The play area was originally two or three items when we moved to Nunthorpe back in the 90's and over the years has increased and increased until we are now talking thirteen items in all. That in any site is a massive increase and is spreading up the bank and across the field.

The anti-social behaviour has also increased and has been made worse by an additional bench that was placed at the top of the bank again without any prior consultation. This bench is ideally suited to the rather unsavoury youths that live and come to Nunthorpe as they can easily disappear into the shrubbery behind the bench to urinate / drink and drug deal. There is nothing better to sit in your back garden and listen to the foul language coming from their mouths. Even the younger ones seem to accept it now as everyday language. I am no prude I worked in the steel industry for 37 years so know a thing or two about bad language but always had respect for other people over hearing and my elders and certainly don't accept sitting in my back garden or trying to go to sleep listening to it. It falls on the residents on a morning to go around cleaning the site before children arrive to play on it.

This now brings me to intimidation. I have to say even with the current apparatus on a light summers evening if there is a large group gathering it is very intimidating to walk up or down the bank to the extent especially on dark nights when the low life are about, certainly my wife WILL NOT go up or down the bank alone and even with myself if we can take another route we will, and avoid the area. In the dark between certain hours it's not worth the hassle and better to avoid at all costs.

Keeping in mind the current apparatus is reasonably well back from the path so at least you are kept relatively at a distance from them. With this new proposal you are now planning on adding specifically the Monkey bars and stretch/fitness station right on the edge of the path!! I for one can assure you this is going to cause groups to actually gather on the actual pathway and many a time they do not move out of your way and just carry on as though you are not there. On a dark night walking up or down the bank and there are a group of around 20 to 40 youths which is not unheard of (there have been over 50) hanging around the Monkey bars and stretch/fitness station is not going to be a pleasant experience. I object to the application and would like the Council to refuse permission.

#### 11 The Resolution –

In respect of the above planning application, I would like to add that I share the concerns of other residents. There are perhaps some issues to resolve regarding the periodic anti-social behaviour and state the current play park is sometimes in with unclean facilities, discarded rubbish, wine bottles etc, prior to looking at additions to the park.

Consultation comments can be viewed in full via the following link –

<https://planning.agileapplications.co.uk/middlesbrough/application-details/38369>

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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### **Policy context**

1. The main considerations with this proposal are the principle of the development, impacts on the character and appearance of the area the impact on the privacy and amenity of the neighbouring properties and the impact on highway safety.
2. As the application site and existing play park form part of an area designed as primary open space Policy E7 is of relevance. Policy E7 (Primary Open Space) sets out that existing or proposed primary open space will be safeguarded from development with exceptions being made for development which complements its function or is of overriding benefit to the community as a whole and which would not result in the significant loss of open space.
3. Policy CS4 requires all development to contribute to achieving sustainable development principles, including ensuring that landscape character and green infrastructure are protected and where possible enhanced. The Urban Design SPD advises that development should retain trees as features where possible and should make a positive contribution to the neighbourhood environment.
4. Policy CS5 requires all development to demonstrate high-quality design. This includes the creation of high-quality open spaces and ensuring that new development enhances the built and natural environment.
5. Policy DC1 requires that the effect on the surrounding environment and local amenity is minimal and the effect on protected open space is limited.
6. In addition, the National Planning Policy Framework 2021 (para.93) states to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of

shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments; b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community; c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and e) ensure an integrated approach to considering and other local services to enhance the sustainability of communities and residential environments.

7. Para. (92) also states that Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: a) 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, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages; b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

### **Appearance**

8. The site in question is already an established play park that is accessed east of The Avenue and forms part of a wider area of primary open space which includes an area of mown amenity grass and is bounded by woodlands, vegetation, shrubs and public footpaths and is a positive asset of the area. This land is currently defined as primary open space in the local plan and is therefore for the benefit of the public. The additional play equipment to the existing play park complements its function and is of community benefit and compliant with Policy E7 in this regard.
9. The proposed equipment whilst aimed at a variation of different age groups, is of a scale and design typical of other play equipment found elsewhere with in other parks across the town and will complement and enhance the existing play park equipment already in-situ whilst ensuring the remaining green space is retained in accordance with Local Plan Policy CS4.
10. The proposal is unlikely to have any significant visual impact on the surrounding area as the play equipment will be located within the area of open space which is a relatively discreet location in between 'The Avenue' and 'The Resolution'. located away from residential properties with access via a public footpath only. As such equipment should not appear prominent or be highly visible and would not appear out of place within their setting in accordance with Local Plan Policy CS5.
11. The proposal will make a positive contribution to the neighbourhood environment in accordance with The Councils Design Guide.

### **Amenity of the neighbouring properties**



12. There are residential properties in the immediate area with some properties either backing onto the play park/area of open space or that sit adjacent to it. Whilst the proposal will see the number of play items increased on site, it is considered that the additional play equipment will not have a significant additional impact on the amenity of nearby residents, beyond that of the existing play equipment on site as equipment will be located sufficiently away from any main habitable rooms ensuring that any impact in terms of outlook is minimal.
13. A number of residents have raised concerns with regards anti-social behaviour increased noise and litter. Whilst these are noted and accepted as likely impacts of the existing park and future proposals, anti-social behaviour is not a material planning consideration as it something that may or may not happen and therefore would not warrant refusal of the application. Furthermore, anti-social behaviour can take place outside shops, schools and other similar places and this would not prevent the provision of such facilities. It is important that the siting of the play equipment and the scale of the play park is appropriate for its location however and the likely extent of use that it will receive. Whilst the amount of equipment is increasing and its location within the area, it is considered that these matters would still remain suitable for this area.
14. It is noted that there is already CCTV at the top of the park which is monitored but it is noted that further improvements could be made such as ensuring foliage around the park is maintained ensuring it doesn't restrict the cameras coverage. An informative is also recommended that a review of the CCTV is undertaken to ensure it has adequate coverage but as there is existing CCTV it is not considered necessary to require additional cameras as a result of this proposal.
15. Whilst the need for additional lighting has been raised this is likely to make it more likely that equipment will be used later into the evenings, and this appears to be when the majority of the anti-social behaviour currently takes place. Lighting in this location should serve to light the footpath and make it safe for use and this is already in place in this regard.
16. Having received consultation responses from both the Police and Neighbourhood Safety Officer they are already aware that in this location, like a lot of similar such locations, playparks can attract sporadic anti-social- behaviour issues but it is recognised that careful design and management, can assist in reducing these opportunities ensuring the site and existing CCTV is regularly monitored.

### **Highway Safety**

17. The application site is accessed via the public footpath which runs from the western side of The Avenue to the eastern side of The Resolution at the end of a cul-de-sac where there is no vehicle access. There is also no designated car park associated with the park, however this is a neighbourhood park which was originally designed and intended to provide "close-to-home" recreational opportunities to serve neighbours within walking and bicycling distances and children travelling to and from the nearby schools.
18. The additional equipment may see the increase of users of the park although it's unlikely it will be of a significant level. The park is of a modest scale which is unlikely to attract high number of visitors from outside of the area who would need to travel by

car. It is therefore considered that the proposal would not result in a significant increase in terms of traffic or car parking near the site.

19. Whilst some items of play equipment have been positioned adjacent the public footpath that runs south of the park, there will still be an acceptable clearance between the equipment and footpath ensuring that the width and openness of the existing public walkway remains so that it still inviting to use and won't disrupt the use of the footpath in anyway in accordance with Policy DC1 and Secure by Design Guidance.

### **Conclusion**

20. The proposal represents an acceptable form of development at this site, within the green space which already provides recreational and leisure areas for the public and as such is a complementary addition to the existing playpark, providing exercise / leisure opportunities for children within the area. Equipment is appropriately scaled and positioned so that it will not significantly impact the amenity of nearby neighbours or highway safety although it is recognised that the use of such areas may have adverse impacts for surrounding residents, dependent on the individuals using it. However, it is necessary to have play equipment within the community that it serves and in part grouped together, with a degree of surveillance. This site is considered to represent a good location for such provision and is considered to be in accordance with Policy DC1 (test c). The occurrence of anti-social behaviour, should it arise would need to be picked up by other agencies should it occur.

21. Officer recommendation is to approve subject to conditions.

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## **RECOMMENDATIONS AND CONDITIONS**

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Approve Conditionally

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 complete accordance with the plans/details received 27th March 2023 and shall relate to no other plans.

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

### **REASON FOR APPROVAL**

The application is satisfactory in that the design and appearance of the proposed additional play equipment accords with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and

proactive way in line with paragraphs 186-187 of the NPPF. In addition, the additional play equipment accords with the local policy requirements (Policy CS5 & DC1 of the Council's Local Development Framework). In particular the play equipment is designed so that its appearance is complementary to the existing playpark and will not have a detrimental impact on the appearance of the street scene or any adjoining resident or business. The proposed additional equipment will not prejudice highway safety either by obscuring visibility or be of a conspicuous or prominent appearance. The application is therefore considered to be acceptable, fully in accordance with the relevant policy guidance and there are no material considerations which indicate that the application should be refused.

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## INFORMATIVES

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- **Review of CCTV**

Taking into account residents comments and those of the Police ALO it is advised that a review of the CCTV is undertaken to ensure it has adequate coverage to cover all equipment within the part and that planting and trees are maintained in a manner which does not unduly restrict such coverage.

Case Officer: Joanne Lloyd

Committee Date: 21<sup>st</sup> July 2023

### **Site location plan**

