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## APPLICATION DETAILS

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<b>Application No:</b>	22/0729/COU
<b>Location:</b>	Public space north of Caldicotes Primary
<b>Proposal:</b>	Creation of play area, erection of perimeter fence and installation of new surfacing and play equipment
<b>Applicant:</b>	Craig Coverdale, Middlesbrough Council Middlesbrough Council
<b>Agent:</b>	Lucas Robinson, Groundwork NE & Cumbria Groundwork NE & Cumbria
<b>Ward:</b>	Thorntree
<b>Recommendation:</b>	Refuse

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## SUMMARY

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The application seeks planning permission for the creation of a children's play area on land to the north of Caldicotes Academy, and to the west of an existing multi games area.

Following the consultation period, a strong objection was raised by Cleveland Police on the grounds of the proposed location of the play area and the safety of children at the site.

Given the strength of the objection, officers from the Council have sought to work with the applicant and have asked them to consider other potential locations for the play area as well as meeting on site to discuss the nature of the objection.

With no alterations or revisions to the proposals, the Council considers that significant weight should be given to the objection from Cleveland Police. The primary purpose of the play area would be to provide a facility for children and families to utilise and enjoy, but it is considered that this must be in a location which provides reasonable safety through being overlooked or similar.

The officer recommendation is to refuse.

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## SITE AND SURROUNDINGS AND PROPOSED WORKS

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The application seeks planning permission for the creation of a children's play area on land to the north of Caldicotes Academy, and to the west of an existing multi games area.

The play area would accommodate play equipment aimed at younger age children, which would sit alongside the existing provision for older age groups. The location adjacent to an existing MUGA, as well as having a flat topography and within public open space, have been chosen by the applicant as an appropriate location for the play area.

The play area would provide play equipment typically found in a children's play area and be enclosed within a 1-metre-high bow top fencing.

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## PLANNING HISTORY

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There is 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:

*Core Strategy*

DC1 (General Development)  
CS4 (Sustainable Development)  
CS5 (Design)

*Local Plan*

CS20 (Green Infrastructure)

*Saved Local Plan*

E2 (Green Wedges)  
E10 (Secondary Open Space: Protection from Development)  
E28 (Recreational Uses in the Countryside and in 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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The application has been subject to the standard notification of neighbouring properties, which included 6 different addresses. Following the consultation period, no letters of objection, support or other representations were received.

### **Responses from Internal Technical Services**

#### MBC Planning Policy

Subject to the play area being considered to be of appropriate design, the proposals appear to accord with the relevant policies in the adopted Development Plan.

### **Responses from External and Statutory Consultees**

#### Designing Out Crime Officer, Cleveland Police

Do not recommend this site for the proposed use.

The proposals are considered to be:

- In a location that would have the potential to generate crime, increase the fear of crime and attract anti-social behaviour.
- Lack of natural surveillance from nearby properties. The play area is positioned to the rear of dwellings which is likely to increase the potential for crime.
- There is poor lighting serving the site and approaches to the site.

### **Summary of Public Responses**

Number of original neighbour consultations	6
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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### National Planning Policy Considerations

1. Section 38 of the Planning and Compulsory Purchase Act requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. At a national level, the Government's guidance is set out in the National Planning Policy Framework (NPPF), which was most recently revised and published in 2023. The NPPF states that the general principle underlying the town planning system is that it is 'plan led'. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. In determining planning applications, due weight should be given to local planning policies in accordance with their consistency with the revised Framework, with greater weight given the closer policies are to those in the Framework.

2. Paragraph 20 of the NPPF states that the strategic policies of Councils should '*make sufficient provision for community facilities such as health*' and that decisions should help provide community needs.

3. Part 8 of the NPPF '*Promoting healthy and safe communities*' expands on the strategic policies and explains the role of local authorities and outlines how they need to be achieved. Paragraph 92 of Part 8 advises that policies and decisions should '*aim to achieve healthy, inclusive and safe places*', which:

*... promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other...*

*... are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion... which encourage the active and continual use of public areas...*

*... enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.*

4. Paragraph 93 states that decisions should *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 and guard against the unnecessary loss of valued facilities and services.*

5. Whilst the Council considers the provision of a children's play area close to the local community to be in general accordance with the above statements, officers within the Council and Cleveland Police have strong concerns over the proposed location for this children's play area. This is discussed in greater detail later in the report.

#### Local Policy Considerations

6. On the adopted Local Plan Proposals Map, the application site is designated as Green Wedge and Secondary Open Space.

7. The relevant policies in the Local Development Plan regarding this application include CS20 (Green Infrastructure) of the Local Plan, E2 (Green Wedges), E10 (Secondary Open Space: Protection from Development) and E28 (Recreational Uses in the Countryside and in Green Wedges) of the saved Local Plan, and DC1 (General Development), CS4 (Sustainable Development) and CS5 (Design) of the Core Strategy (2008). 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.

8. Policy CS20 identifies Green Wedges as part of the strategic green infrastructure network and it advises that the Council will seek to deliver a network of multi-functional green space to enhance the quality of life for residents. The Policy also advises that the loss of green space that contributes to the achievement of an integrated network of green infrastructure will be resisted. It is considered that the proposed development will help to enhance the quality of play opportunities for children in the locality and, therefore, is in accordance with the Policy.

9. Policy E2 seeks to retain Green Wedges as open space and any proposed development shall not:

- affect the predominantly open, green character 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 the Green Wedge or compromise green links; or,
- reduce the physical separation between existing development.

10. Policy E28 states that outdoor participatory recreational uses will normally be permitted in Green Wedges subject to a number of criteria, including that there is not a significant impact on the character of the area and that public access by path is not impaired and links to existing public paths are provided where possible.

11. The proposed play area is adjacent to Caldicotes Primary School, a multi-use games area and a small car park. As the play area is relatively small and designed to allow views through and beyond it due to its hoop-topped perimeter fencing, it is considered that the proposals would not harm visual amenity nor have a significant detrimental impact upon the character of this part of the Green Wedge. Mindful of the noise that is likely to be generated from the above surrounding uses, it is considered that noise generated from the proposed play area would not materially impact upon occupiers of nearby properties or on users of the open space.

12. The site is not designated for its wildlife value or archaeological value. The proposed development is, by its nature, designed to be accessible to the public and would not impact on access to other parts of the Green Wedge. Given the open nature of the play area, it is considered to have a minimal impact on the perception of physical separation between existing development.

13. Policy E10 states that 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 and where the predominantly green character of the open space will be retained. The site of the proposed play area is currently flat grassland that is considered not to be of significant visual or conservation value. The proposed play area would increase the recreational and amenity value of the site.

14. Policy MWC4 seeks to safeguard mineral resources from development. The Policy allows non-minerals development where the need for the non-mineral development outweighs the need for the mineral resource. It is considered that the need for a play area for local children outweighs the need to protect the site for potential future extraction of salt and gypsum, which are not scarce minerals.

15. Policy CS4 requires all development to contribute to achieving sustainable development principles. This includes ensuring everyone has access to leisure and other community facilities and that facilities are accessible on foot, bicycle or by public transport. The site is accessible on foot and bicycle from nearby residential areas and is within nationally recognised walking distances of bus stops on The Greenway and Cranfield Avenue.

#### Concerns Regarding Safety

16. Due to the nature of the application being for families and younger children, the Council consulted the Designing Out Crime Officer at Cleveland Police.

17. As set out earlier in the report, the NPPF requires planning decisions to achieve safe places. In addition to national planning policy guidance, local plan Policy CS5 states that all development will be required to contribute to achieving *the creation of a safe and attractive environment, at all times of the day and night, where crime and disorder, or fear of crime, does not undermine quality of life or community cohesion by incorporating the aims and objectives of both Secured By Design and Designing Out Crime concepts into development layouts* and safety and the fear of crime is, therefore, a material consideration. The following

paragraphs discuss the considerations of Council officers as well as the Designing Out Crime Officer at Cleveland Police.

18. Due to the vulnerabilities of the likely end users, proposals of this nature should be designed to allow significant levels of natural surveillance. Private residential dwellinghouses or busy areas of public realm normally provide these levels of natural surveillance, with outlooks from these areas providing safer and more accessible routes for users to come and go. In this case, however, it is considered that the application site is afforded very little natural surveillance, with nearby dwellinghouses either facing away from the proposed play area site or being at a distance too far away to be able to provide adequate surveillance. The application site is also located on the edge of the residential area, being close to the boundary of the borough, which experiences lower levels of natural surveillance from passers-by. Rather than being afforded natural surveillance, the application site is considered to be secluded and would not be a particularly welcoming amenity for the community.

19. As well as requiring high levels of natural surveillance, facilities like play areas should be inclusively designed with due regard for wayfinding and permeability. Consideration should also be given to ensure users of the facility are not adversely affected by the location of the amenity space. In this case, the location is considered excessively permeable, with the concerns from a Police perspective focusing on the areas to the north, which are outside of the zones of passive surveillance and provide many hideaways and escape routes to enable anti-social behaviour and other crime.

20. National guidance advises that play areas should be designed so that they are secured at night time to reduce the amount of damage and crime that occurs after dark when it is out of use of children and families. The type of fencing and security measures can help to prevent or lessen anti-social behaviour, although solutions will vary to suit particular areas (site-based approach).

21. Normally, consideration could be given to a single dedicated entry and exit point to enable parental/guardian control and supervision. Fencing at a minimum height of 1.2 metres can often discourage casual entry, which discourages unauthorised access to the play area after dark and reduces damage to the equipment. Although the material layout design including low level boundary treatment and self-closing gate would be acceptable solutions for many play sites, it is the Police view that these design solutions would not be deemed suitable for this site, which is located in an area of high crime. Potential solutions to counter anti-social behaviour in this location are considered to include the installation of a 2.0-metre-high weld mesh perimeter fence. However, such a fence would be deemed significantly harmful to visual amenity within the green wedge, as well as giving the community facility an unappealing and uninviting appearance.

22. Adjacent to the application site is a small multi-use games area, which has signs of fire setting against its perimeter. Recent visits to the site conducted as part of considering the merits of the application have also witnessed, amongst other things, broken fencing and evidence of tyre tracks showing anti-social use of off-road motorcycles throughout the site and neighbouring open space.

23. It is worth noting that another former play area is situated less than 200 metres northeast of the application site. Despite being subjected to more natural surveillance from the rear elevations of houses along Colmore Avenue, the play area has experienced

vandalism and abuse, which has left it beyond use. It is considered that the proposed play area will experience a similar outcome due given the above factors.

#### Conclusion

24. The construction of a play area upon land allocated in the Local Plan as green wedge and open space is deemed to be acceptable in principle, as the design and scale of the proposed play area would not adversely affect the predominantly open and green character of the area and, therefore, allowing them to continue contributing to the integrated network of green infrastructure.

25. However, the location would not allow the play area to be a desirable, safe or secure community facility. The primary purpose of the play area would be to provide a local facility for children and families to enjoy. Any measures to improve safety and lessen the fear of crime, such as the installation of a weld mesh fence, would result in the erosion of the green wedge and represents a poor design solution and should the play area be targeted similar to the other nearby play area, and be significantly vandalised, this would further add negative impact to the character of the Green Wedge.

26. On balance, it is the officer view that the proposed play area would not create a place that is particularly safe, inclusive or accessible for the members of the community. The application fails to provide a high standard of amenity for future users, but instead would create a facility where crime and the fear of crime would not be discouraged. The proposals are deemed to fail local policy CS5(e) and the National Planning Policy Framework paragraphs 92 and 130.

27. The officer recommendation is to refuse.

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## RECOMMENDATIONS AND CONDITIONS

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Refuse for the following reason

#### Unsuitably located

**In the opinion of the Local Planning Authority, the proposed play area development, owing to the site-specific location, will create a community facility that would not be safe to use. The lack of natural surveillance over the play area and the excessive permeability to the site from the north is considered to result in a development that is in a secluded location and increases the fear of crime. This is contrary to the NPPF (paragraphs 92 and 130) and Core Strategy Policy CS5.**

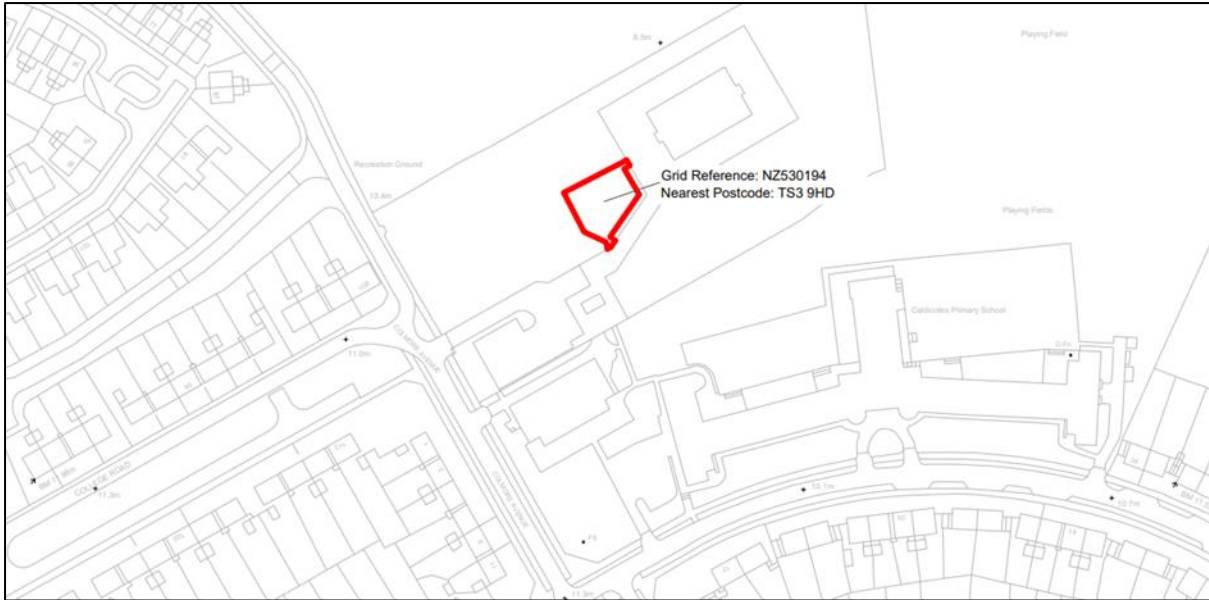
Case Officer: Peter Wilson

Committee Date: 12<sup>th</sup> October 2023





Appendix 1: Location Plan



Appendix 2: Play Area Layout

