
APPLICATION DETAILS

Application No:	23/0631/MAJ
Location:	Discovery Special Academy, Sandy Flatts Lane, Middlesbrough, Middlesbrough, TS5 7YN
Proposal:	Erection of single storey Secondary School building (class F1) with associated works including landscaping, fencing and extension to parking area
Applicant:	Jennifer Duncan
Company Name:	
Agent:	Michael Martos
Company Name:	
Ward:	Kader
Recommendation:	Approve Conditionally

SUMMARY

Planning permission is sought for the erection of a special educational needs (SEN) secondary school on the existing Discovery Academy site, which is on the northern side of Sandy Flatts Lane.

Whilst the application site is allocated on the adopted Local Plan Proposals Map as part of the Green Wedge, planning permission was granted in March 2021 for the creation of a SEN primary school at the site, which included a new school building and the associated playing areas and car parks. The land is, therefore, considered to have an established educational use.

The site is located on land that is designated as Green Wedge, and includes both Primary and Secondary Open Spaces. Whilst local policies seek to safeguard such land from development, it is the officer view that the provision of a Special Educational Needs (SEN) secondary school should be considered as an exception, as the development would have an over-riding benefit to the community as a whole, which would outweigh the loss of this part of the Green Wedge.

In addition to the above, it is considered that the proposed development would not result in the significant loss of open space. The application site occupies a relatively small area of the larger Green Wedge allocation, and that the green character and open appearance of the Green Wedge is not significantly harmed.

Given the above, it is the officer recommendation to approve conditionally.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site forms part of the Discovery Academy SEN primary school, which was granted planning permission in March 2021 and lies on the northern side of Sandy Flatts Lane. The application is detailed and all matters – including layout, scale, access, landscaping and appearance – shall be assessed.

The application is for the erection of a single storey secondary school building, which would be located to the east of the existing primary school building and to the north of the multi-use games area. As well as additional landscaping and fencing, the car park for the school will be extended to the south of the site.

The proposed school building would be part modular and part traditional building (the main hall) and would comprise part cladding, part timber and part brickwork to tie in with the existing adjacent primary school building.

PLANNING HISTORY

20/0565/EIASC
Screening opinion for proposed Discovery Academy
EIA Not Required
14th October 2020

20/0566/FUL
Erection of school building (Class F1) with associated outdoor-sports areas, parking and landscaping
Approved subject to S106 agreement
3rd March 2021

PLANNING POLICY

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:

CS17 - Transport Strategy
CS20 - Green Infrastructure
MWC4 - Safeguarding Minerals
MWP1 - Waste Audits
CS4 - Sustainable Development
CS5 - Design
CS16 - Education
CS18 - Demand Management
CS19 - Road Safety
DC1 - General Development
E2 - Green Wedges

E7 - Primary Open Space (Existing)
E10 - Secondary Open Space
Urban Design SPD

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>

CONSULTATION AND PUBLICITY RESPONSES

The application has been the subject of the standard notification of neighbouring properties by letter drop, which includes 86 different addresses. The application was also advertised in the local newspaper and a site notice was displayed at the application site to ensure wider publicity.

Following the consultation period, 6 letters of objection were received from local residents (one of which was anonymous). The comments within the representations can be summarised as follows:

- a) Parking at drop off and pick up time causes disruption now along Sandy Flatts Lane and this would become worse. Pedestrians are forced to walk on the road.
- b) The car park expansion will not stop vehicles parking along Sandy Flatts Lane, as they already do, causing congestion and stopping free flow of traffic. Double yellow lines should be extended to prevent on street parking.
- c) There will be more noise from the additional traffic expected.
- d) The existing access road of Sandy Flatts Lane is not wide enough for the amount of traffic using it. The road needs to be widened to account for the vehicles, especially coaches, that will be using it.
- e) The primary school is nearly at full capacity, so how long until the existing primary school needs to increase again? The same can be said for this proposed secondary school.
- f) Trees need to be felled to accommodate the new building.
- g) The new building would have an overbearing visual impact.
- h) The existing school is an eyesore and out of character with the surrounding trees and green areas.
- i) The layout and density of the building seems inappropriate for the plot of land.
- j) The building is close to a live high pressure gas main.

Summary of Public Responses

Number of original neighbour consultations	86
Total numbers of comments received	6
Total number of objections	6
Total number of support	0
Total number of representations	0

Responses from Internal Technical Services

Planning Policy – No objections

The site is located on land that is designated as Green Wedge, and includes both Primary and Secondary Open Space which are areas that should be safeguarded from development. However, as the application regards the provision of a SEN secondary school, it may be considered that an exception can be made as the development would have an over-riding benefit to the community as a whole and would not result in the significant loss of open space.

Highway Planning – No objections subject to conditions

Car parking has been provided in accordance with the Tees Valley Highway Design Guide, the majority of pupils arrive by pre-planned managed travel, swept path analysis demonstrates that the internal layout is suitable, and a Travel Plan is currently being implemented and will be further conditioned. As such it is not considered that grounds could be sustained that there is a high likelihood that unmanaged car parking will occur to the detriment of free flow of traffic or highway safety.

Local Flooding Officer – No objections subject to conditions

The proposed drainage strategy is considered to be acceptable as it follows the principles as outlined in the flood risk assessment. Additional information is required, including details of the design, the management and maintenance of the drainage system.

Environmental Health – No objections subject to conditions

A validation report is required to ensure there are no contamination issues and that the school is safe for people to use. Conditions are also recommended to ensure the development is carried out in accordance with the submitted noise assessment and that a validation report is required to ensure the specified noise levels are achieved. A further condition is recommended to approve the external lighting layout.

Waste Policy – No objections

Secured By Design Advisor – No objections

The development should be developed to accredited secured by design standards.

Responses from Statutory and External Consultees

Northumbrian Water – No comments received

Northern Gas Networks – No objections

Initially issued a standard objection as the proposals are close to its intermediate pressure gas transmission system. The developer is to provide assurance to Northern Gas Networks that its assets will not be affected or that the relevant protective measures will be incorporated within the development proposals.

Cleveland Fire Service – No objections

No comments to make on the application, however Access and Water Supplies should meet the statutory requirements.

Health and Safety Executive – No objections

The development site is not within the consultation distance of a major hazard site or major accident hazard pipeline. The HSE has no interest in the proposals and does not advise against the application.

Environment Agency – No objections

PLANNING CONSIDERATION AND ASSESSMENT

Background

1. The proposed development relates to the erection of a secondary school building and associated works at the existing Discovery Special Academy, Sandy Flatts Lane. The development will form an addition to an adjacent primary school building granted consent in March 2021 (20/0566/FUL), with building works completed in 2022.

National Planning Guidance

2. 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). 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 (Paragraph 12). 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 (Paragraphs 224 and 225).

3. Put simply, this means all proposed development that is in accordance with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless material considerations indicate otherwise.

4. Section 2 of the NPPF gives a broad outline on achieving sustainable development. To ensure sustainable development is pursued in a positive way, Paragraph 10 states that the presumption in favour of sustainable development is at the heart of the framework. Paragraph 11 requires development proposals that are in accordance with the development plan to be approved without delay.

5. Specific Government guidance for school related development is held within chapter 8 of the NPPF. Paragraph 99 within chapter 8 outlines that *'it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They [LPAs] should (a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications, and (b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'*

6. It is clear that the Government intends that decisions on planning applications should be in accordance with the relevant Development Plan and that new development should be in accordance with the relevant Development Plan for the area. However, other material considerations can be taken into account by the Local Planning Authority providing they are relevant to the development being proposed. The weight of these other material considerations and how they balance against the policies in the Development Plan is fundamental to the consideration of this application by Members.

Local Policy Context and Assessment

7. The development site is located on land that is designated as Green Wedge. In addition to this, the western part of the site is designated as Secondary Open Space and the eastern part as Primary Open Space. Given this allocation on the Proposals Map, Policies E2, E7, E10 and CS20 are applicable.

8. Local Policy E2 seeks to retain Green Wedges as open space and sets out several criteria where planning permission will not be granted. These include:

9. *Criterion (i) Development would include substantial building works.* Whilst it is acknowledged that the proposed building has been designed to be predominantly single storey to minimise its visual impact, it would involve substantial building works. The application could be considered to fail this criterion.

10. *Criterion (ii) Development would result in loss of grade 1 to 3a agricultural land.* The application site is classified as grade 3 agricultural land but has not been in agricultural use in recent years. Consequently, the development of the site would not result in any loss of land in productive agricultural use.

11. *Criterion (iii) Development would affect the predominantly open, green character of a Green Wedge or create undue nuisance or disturbance to occupiers of nearby properties or to quiet enjoyment of the open space.* The school site is located on the southwest edge of the Green Wedge and forms a relatively small area of the overall Green Wedge. As such, it is considered development of the application site would not be detrimental to the predominantly open, green character of the wider Green Wedge. The application has been supported by an acoustic report which sets out mitigation measures to ensure appropriate levels of noise.

12. *Criterion (iv) Harm visual amenity.* With the majority of the proposed development being single storey, it is considered this will assist in limiting its visual impact. Although some of the tree belt along the eastern boundary of the site are to be removed to enable the development, the majority of the trees on site will be retained and assist in screening and limiting the visual impact of the proposed building on the wider Green Wedge. When approaching the site from the south along Sandy Flatts Lane, however, the southernmost part of the site is proposed for the extended car park where no screening trees or landscaping is proposed. It is considered that this car park expansion could adversely affect the Green Wedge by extending the existing hardstanding landscaping, which is dominated by parked cars, hard surfacing and ancillary structures. Mindful of which, it is considered that boundary planting around this part of the site would assist to better integrate the proposed development with the surrounding natural environment and to retain the green character of the Green Wedge and Secondary Open Space. A condition can be recommended to secure appropriate planting as part of the development.

13. *Criterion (vi) Impair public access to Green Wedges or compromise greenlinks.* It is understood that the proposed school site is not located on land that the public have a right of access over. A greenlink runs immediately adjacent to the east of the site, but it is the officer's view that the proposed development would not negatively impact on public use of the greenlink.

14. *Criterion (viii) Reduce the physical separation between existing development.* With the recent development of the Discovery Academy SEN primary school at the site, it is considered that there will be no additional harm to the physical separation between existing development. Whilst the existing primary school inevitably reduced the physical separation between development, the proposed development would be within the boundaries of the

existing school and does not significantly encroach into the existing surrounds. It is considered that any adverse visual impacts from the development could be mitigated by additional soft landscaping and planting around the boundaries of the site.

15. Policy E7 seeks to safeguard allocated Primary Open Space from development. The Policy does, however, allow development that is of over-riding benefit to the community as a whole provided that it would not result in the significant loss of specified types of open space, including open space within a Green Wedge. In this case, it is considered that the provision of a SEN secondary school would be of over-riding benefit to the wider community. Moreover, the area of Green Wedge to be lost is considered to be relatively small compared to the broader Green Wedge in the locality, which will be retained. The Primary Open Space that is included within the eastern part of the application site is a relatively thin strip of land, which would accommodate part of the building but would remain largely grassed or feature other soft landscaping. The proposals retain parts of the tree belt within the Primary Open Space along the eastern boundary, which would help to protect its visual and landscape value.

16. Policy E10 advises that planning permission will only be granted for development on Secondary Open Space where it would not result in a loss of an area of significant recreational, visual or amenity resource or of significant nature conservation value. In all cases, the policy states that the predominantly green character of the open space should be retained. The proposed layout illustrates that the northern part of the wider school site would be retained grassed as part of the Secondary Open Space and preserves the predominantly green character of the Green Wedge.

17. Policy CS20 advises that the loss of green space that contributes to the achievement of an integrated network of green infrastructure will be resisted. The Policy specifically identifies Middlesbrough's 'green lung' and Green Wedge as part of the strategic network, which the site is located within. As already stated in relation to Policy E2 above, development of the site would result in the loss of a relatively small area of Green Wedge, though it is considered that additional tree planting and soft landscaping would help to minimise the impact of the development on the integrity of the wider Green Wedge.

18. Policy CS5 requires all development proposals to demonstrate high quality of design in terms of layout, form and contribution to the character and appearance of the area. This includes criterion (c) *ensuring development is well integrated with the immediate and wider context* and criterion (f) *ensuring a quality of new development that enhances both the built and natural environments*. Evidently, the site is recognised as a sensitive location being within the Green Wedge. It is important therefore that the design integrates well with the existing primary school and the surrounding natural environment.

19. With a single storey height, the building is relatively low and considered to be unimposing in this Green Wedge setting. Not only are the chosen materials (which include brickwork and timber cladding) within the building intended to complement the existing primary school, but they are considered to reflect the context of the surrounding environment – the brickwork reflecting the housing at Sandy Flatts Lane and the timber cladding responding to the open nature of the Green Wedge.

20. Policy CS4 requires all development to contribute to achieving sustainable development. This includes criterion (d) *that everyone should have access to the education facilities they need*. It is the officer view that the proposed secondary school will assist in providing access to education facilities for pupils, in particular, those with special educational needs.

21. Policy CS16 seeks to ensure that everyone has access to the facilities required to meet their educational needs. The Policy sets out criteria when considering the provision of new schools. These include that: a high quality learning environment is created, opportunities to incorporate other related educational and community initiatives are considered, that the design and materials minimise maintenance and running costs, and that the education facility is accessible to the catchment it is designed to serve. It is considered that the proposed development will provide such facilities to help improve the quality of the learning environment for pupils with learning disabilities and special education needs and disabilities.

22. Policy DC1 requires the effect of development on the Green Wedge to be limited, that the visual appearance and layout of development is high quality, that existing transport infrastructure has capacity for the development with no impact on highway safety, and that the amenities of occupiers of nearby properties is protected. The visual appearance and layout of the proposed development have been discussed and considered to be of a good quality and acceptable in this location.

23. In terms of the impacts on the amenities of neighbouring occupiers, the nearest properties to the site are over 200 metres to the west. Moreover, the existing primary school shields the proposed building from these residential properties. It is considered that this separation distance combined with the intervening existing primary school would result in no undue harmful impacts on the living conditions of existing occupiers.

24. A new bin store would be created to accommodate the proposed development, which would be positioned on the western side of the school site within the car park and adjacent to the existing cycle store. Whilst this position is nearest to the existing residents, it is considered unlikely that the bin store would be harmful to the residential amenities of nearby occupiers, which are over 100 metres away. The location of where bins and cycles are stored is not something that usually requires planning permission, only the enclosures behind which they would be stored. Being within the car park, the bin store would occupy a fairly prominent location. However, it would be reasonably well screened by parked cars and the soft landscaping at the front of the site. As no finishing details for the bin store have been submitted, a suitably worded condition is recommended to secure these finishing materials are sympathetically designed and do not have an adverse impact on the Sandy Flatts Lane streetscene.

25. A secure 2.4-metre-high weld mesh fence is proposed around the extended car parking area, which would match the existing fence and considered to be acceptable. No other existing boundary treatments at the site would be altered.

Transport Implications

26. Policy CS17 requires all development to be located where it will not have a detrimental impact on the operation of the strategic transport network. Policy CS19 seeks to reduce the impact of traffic and improve road safety and the quality of environment through school travel plans and safer routes to schools. It is noted that a Travel Plan has been submitted in support of the planning application. Policy CS18 requires development proposals to incorporate measures that improve the choice of transport options.

27. As noted, Policy CS4 requires all development to contribute to achieving sustainable development, which includes criterion (i) locating developments that attract large numbers of people in locations accessible by sustainable forms of transport. The site is in relatively close proximity to the bus network 'super core' route along Acklam Road and there are

further bus stops along Ladgate Lane, providing a further sustainable transport option for school staff.

28. As the development proposals seek to create further parking as part of the extension to the existing Discovery Academy school, the traffic implications of the proposed development need to be considered.

29. The proposals will utilise the existing entrance points into the site and extend the car parking within the site from internal access points.

30. The development will result in the following increases:

	Existing	Proposed	Net Change
Pupils	118	188	+70
Staff	74	114	+40
Car Parking	48	80	+32
Mini bus	10	20	+10
Charging Points/spaces	0	4	+4

31. Concerns have been raised previously regarding the suitability of Sandy Flatts Lane, the traffic generation and parking associated with the proposed schools. The primary school already exists and, as such, the consideration of the impact on the highway is the change in volume/usage associated with the proposed secondary school development. Sandy Flatts Lane in terms of its geometry (width of the carriageway, centreline radius, achievable sightlines etc.) is considered to meet all local and national guidance. As such, there are no highways nor planning grounds to seek any changes nor improvements to the highway.

32. There are a number of factors that are specific to this school and these proposals that makes the way it operates different to other schools. Due to the needs of the pupils and size of catchment, it is unlikely that pupils will utilise active travel to get to school, meaning the school has a higher reliance on vehicular access. However, the impact of this is minimised, as the majority of children are brought in by minibus, which surveys have demonstrated to have an average occupancy of 10 children. The proportion of children brought in individual cars is low and, given the needs of the pupils, the tendency seen at other schools for parents/carers to park on the adjacent highway and wait is not as considered to be as prevalent.

33. The applicants have provided the following data on how staff and pupils travel to school based upon surveys.

EXISTING (PUPILS)				PROPOSED (PUPILS)		
Mode	No.Pupils	%age Pupils	Vehicles	No.Pupils	%age Pupils	Vehicles
Walk	0	0	0	0	0	0
Cycle	0	0	0	0	0	0
LA Taxi	4	3	4	4	2	4
LA Minibus (Avg 10 pupils per minibus)	119	86	12	160	85	16
Parent/Guardian Car	16	12	16	24	13	24
Public Bus	0	0	0	0	0	0
Train	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	139	100	32	188	100	44 (+12)

EXISTING (STAFF)				PROPOSED (STAFF)		
Mode	No.Staff	%age Staff	Vehicles	No.Staff	%age Staff	Vehicles
Walk	3	4	0	5	4	0
Cycle	1	1	0	1	1	0
Car (assume single occupancy car)	64	86	64	89	78	89
Public Bus	2	3	0	4	4	0
Train	0	0	0	0	0	0
Other	4	5	0	15	13	0
TOTAL	74	100	64	114	100	89 (+25)

34. The tables above demonstrate that the increase in vehicle movements would be 49 two-way vehicle movements.

35. Of the trips, only pupil movements are likely to occur during the traditional highway AM/PM peak periods, when demand on the network is at its greatest. Pupil trips will generate an increase in 24 two-way movements (12 inward and 12 outward). Whilst there is an increase in 25 staff movements over the existing situation, staff will arrive at work and leave outside of the tradition peak periods when there is greater capacity on the network. As with all schools, this increase in traffic generation will only occur during the school peak periods in term time only and outside of these periods such traffic will not be generated by the site.

36. Aimsun modelling work submitted with the original consent for the school demonstrated that the existing school would not have a material impact on the operation of the adjacent highway network, nor be of a level that could be demonstrated to be severe as per the requirements of the NPPF. Officers are of the view that the likely increase in traffic associated with the new secondary school building would not change this position.

37. A Travel Plan was secured through the previous consent for the school, and this is recommended to be conditioned again to cover the proposed building. The Travel Plan will focus more on staff travel and, among other initiatives, seek to encourage staff to car share and use alternates to the private car in order to further manage car parking on site and minimise vehicular impact.

38. The surrounding highway is protected from indiscriminate parking by waiting restrictions, which can be enforced by the Highway Authority. In numerous appeals, the Planning Inspectorate has taken a clear stance that refusing applications on the grounds of unmanaged parking on the highway is unlikely to be successfully defended where Traffic Regulation Orders or other tools at the disposal of Highway Authorities are available to address and manage such concerns.

39. Car parking for the proposed development has been provided in accordance with the Tees Valley Highway Design Guide. With the majority of pupils arriving by pre-planned managed travel, it is considered that this limits the adverse impacts of unmanaged car parking on the adopted highway, which may be to the detriment of free-flowing traffic. Swept path analysis has been submitted with the application that demonstrates that the internal layout is suitable and allows for all vehicles arriving at the site to leave in a forward gear. With the further conditioning also of a Travel Plan, it is considered that the likelihood of unmanaged car parking occurring at the site will be low, and there would be no significant impacts on the free flow of traffic or highway safety.

40. Given the above factors, there are no objections to the scheme from a highways perspective, subject to conditions requiring the works being in line with a revised Travel Plan, the implementation of the cycle store and parking areas before occupation, and a method of works statement to protect the existing highway.

Flood Risk and Drainage Implications

41. Given the area of the site and the sensitivity of the use, the application has been submitted with a Flood Risk Assessment (FRA). The site is within flood risk zone 1, which is recognised as an area with low probability of flooding.

42. The submitted drainage information has been considered and it is noted that the surface water design and strategy follow the principles as outlined in the FRA and drainage strategy, but some of the points need clarifying and may still have an impact on the final design.

43. It is understood and accepted that SuDS features below ground are to be used due to the use of the site and their location, and that appropriate pollution mitigation methods are to be implemented. It is noted that surface water will be discharged into the surface water network across the rest of the site, which is currently restricted to 6.3l/s before entering the NWL sewer system. It is accepted that the discharge rate from the proposed development will be limited by way of a vortex hydrobrake to less than the identified greenfield run-off rate. The discharge is into a network that has already been calculated and restricted, so clarification is required on the impact that this additional flow will have on the existing network, and if it has the capacity to take the additional flow/storage within the network.

44. While the proposed drainage plan follows the principles as outlined in the FRA, limited information has been provided in relation to the maintenance and management of the drainage system. Information has been provided within the FRA appendix on Drainage Maintenance Schedules, although clarification is required on the precise details as this appears to cover all types of assets, including those not provided. The FRA recommends

that flood resistant/resilient construction techniques are utilised, but information would be required on how this would be achieved.

45. While it appears that there is no flooding from manholes during the 1 in 100 +45% for climate change, confirmation is required on the 1 in 200-year event plus climate change. If flooding is anticipated, a plan is required showing exceedance routes.

46. The submitted drainage information has been considered by the relevant drainage authorities who are satisfied with the proposed strategy as it follows the principles as outlined in the submitted Flood Risk Assessment. However, conditions in relation to the maintenance and management of the drainage system, as well as details of surface water arrangements, are recommended to secure appropriate details.

Health and Safety Considerations

47. The proposed development has been considered using the Health and Safety Executive (HSE) web app. It has been identified as a site that does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline. The HSE does not need to be consulted on any developments on this site and does not advise against the proposed development.

48. Northern Gas Networks initially issued a standard objection to the application, as the proposed works are considered to be close to its intermediate pressure gas apparatus. The developer is to provide Northern Gas Networks with assurances that the works either do not impact upon its assets or that protective measures will be put into place during the construction phase.

49. A detailed Site Investigation and Gas Monitoring reports were submitted with the application, which have been considered by the Council's Contaminated Land Officer. Whilst the findings of the report are accepted, gas mitigation measures will be required as a minimum for the traditional built structures (the main hall of the building). A condition is recommended for a validation report to be submitted post construction to ensure all necessary mitigation measures are implemented.

Ecological Considerations

50. Due to the overall scale of the proposed development and its siting in the Green Wedge, it is important to ensure that there are no adverse impacts on any protected species, flora and fauna, and that the development provides biodiversity net gain as required by national planning guidance. The National Planning Policy Framework (NPPF) provides protections for important sites and wildlife and makes provisions for the delivery of biodiversity net gain. The latest published version of the NPPF strengthens policy wording on biodiversity net gain.

51. Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity value, and minimising impacts on and providing net gains for biodiversity. Paragraphs 185 and 186 continue by stating that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

51. The application was supported by an overarching preliminary ecological appraisal, which assesses the likely impacts of the proposed development on local wildlife, with particular note to bats, reptiles, amphibians, birds and badgers. The survey concludes that there are no potential roosting features for bats but is appraised as having moderate value for bat activity. To avoid impacts upon bat activity, the report recommends that dark and unlit corridors should be maintained around the site, which would allow bats to pass through the site unhindered by artificial lighting.

52. The report advises that a bespoke amphibian and reptile method statement should be undertaken, as there are habitats in the area that have potential for amphibians and reptiles. For badgers, the survey advises that all excavations be covered at night to avoid accidental trappings.

53. Noting the proposed removal of a number of trees, the survey recommends that all tree removal should be completed outside of the main nesting season. If this is not possible, all suitable habitats should first be checked by a suitable ecologist. As well as this, the survey recommends artificial bird nesting features to be incorporated within the scheme.

54. Conditions are recommended to secure the appropriate protection and mitigation during and after construction principally through adherence to the submitted preliminary ecological appraisal, and a separate condition is recommended to ensure the requirements of biodiversity net gain are met.

Residual Matters

55. The application has been supported by an arboricultural assessment, which has been undertaken by a qualified arboriculturalist. As noted earlier, a number of trees are to be removed to enable the construction of the building but the assessment identifies that all these trees to be removed are categorised as either B (moderate quality) or C (low quality); no trees to be removed are considered to fall under category A (high quality). Although it is preferable to retain as many moderate quality trees as possible, it is considered that replacement planting can compensate for the trees lost to make way for the development. A suitably-worded condition is recommended to secure new planting.

Conclusion

56. Although the proposed development could be considered contrary to Policy E2 (Green Wedge), like the SEN primary school development that preceded it, it is considered that the benefits of the proposed special educational needs secondary school to the community as a whole outweighs the loss of this Green Wedge. Moreover, the site area is a relatively small area of the larger Green Wedge allocation, which extends as far north as Linthorpe and as far east as Marton Road. As for the lost piece of Green Wedge, it is considered that if tree planting and landscaping were to be incorporated within the application site boundary, this would reduce the visual impact of the development on the Green Wedge.

57. Overall, the officer recommendation is to approve subject to conditions.

RECOMMENDATIONS AND CONDITIONS

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 accordance with the following approved plans:

- a) Location Plan (1901 Rev P01)
- b) Proposed Block Plan (1804 P01)
- c) Proposed Site Plan Part A (1805 Rev P01)
- d) Proposed Site Plan Part B (1806 Rev P01)
- e) Proposed Ground Floor Plan (1003 Rev P01)
- f) Proposed Roof Plan (1004 Rev P01)
- g) Section AA BB (3002 Rev P01)
- h) Section CC DD (3003 Rev P01)
- i) Proposed Elevations (2002 Rev P01)
- j) Proposed Landscape Plan (Illustrative) (0001 Rev 04)

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.

Reason: To ensure the use of satisfactory materials.

4. Validation Report of Gas Mitigation Measures

Before the occupation of any part of the development hereby approved, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall confirm that all the proposed remediation works set out in the GEO Investigate Phase 2 Intrusive Site Investigation Report (G23325) were completed before occupation of any part of the site or school building hereby approved.

Reason: To ensure the appropriate decontamination of the site in the interests of safety, local amenity and the amenities of the potential occupiers of the site.

5. Noise Assessment

The approved use shall be developed in full accordance with Noise Assessment Reference P6648-R1-V1 submitted to the Local Planning Authority as part of the application. Any deviations from the recommendations made in the report shall be 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.

6. Sound Testing – Validation Report

Prior to the first use of the development hereby approved, validation testing of the sound attenuation works shall have been carried out and the results submitted to and approved in writing by the Local Planning Authority. Such validation testing shall be carried out in accordance with the approved noise assessment and demonstrate that the specified noise levels have been achieved.

In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

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.

7. External Lighting Layout

The approved use shall be developed in accordance with the External Lighting Layout, Reference OPP1310401 submitted to the Local Planning Authority. Any deviations from the layouts made in the strategy shall be 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.

8. Surface Water Drainage Details

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 HSP2023-C4478-CandS-FRAS1-1772 (Revision B), Dated 20 November 2023 and the development shall be completed in accordance with the approved scheme.

The design of the drainage scheme shall include, but 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 and Maintenance Plan for the surface water drainage scheme has been submitted and approved by the Local planning Authority; the plan shall include details of the following:

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

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

11. 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.

12. Method of Works Statement

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

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

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

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

13. Travel Plan

Within 3 months of the commencement of development hereby approved a full Travel Plan shall 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.

14. Soft Landscaping

Prior to the occupation of the school hereby approved, a detailed scheme for tree planting and associated soft landscaping works based on the indicative landscaping proposals drawing and the requirements set out in the Wildlife Mitigation condition 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.

15. 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.

16. 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.

17. Details of Boundary Treatments

Notwithstanding the approved plans, prior to their installation, details of all boundary treatments for the development hereby approved shall be submitted to and approved in writing by the local planning authority. Details for submission shall include the design, specification and positioning of the boundary treatments. Any approved boundary treatments shall then be implemented as part of the development hereby approved.

Reason: In the interests of the visual amenities of the local area and the character and appearance of the Green Wedge.

18. Details of Refuse Store

Prior to the first use of the development hereby approved, details of the proposed refuse store for the school shall be submitted to and approved in writing by the Local Planning Authority. The details for submission shall include the finishing materials and elevations of the refuse store based on the proposed location as shown on the approved drawings. Any approved specifications for the refuse store shall then be implemented as part of the approved development and retained in perpetuity.

Reason: To ensure an appropriate refuse store design that does not harm the visual amenities of the local area.

19. Ecology – Mitigation During Construction

The mitigation measures detailed below, and as set out in the approved Preliminary Ecological Appraisal – Final Report (Version 2) (issued 24.11.2023) by Archer Ecology, shall be implemented as part of the construction works of the development hereby approved.

- a) External lighting that may reduce bat use of the site will be avoided.
- b) All excavations should be covered at night to avoid the accidental trapping of badgers and other terrestrial mammals, such as hedgehogs. It is further advised that a check for badger setts is completed immediately prior to any ground-breaking or compaction activities.
- c) The roots and crowns of retained trees will be protected throughout the development through the provision of adequate construction exclusion zones in

accordance with the guidance given by BS5837:2012.

- d) All works will be undertaken to a precautionary amphibian method statement.

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

20. Wildlife Mitigation

Additional mitigation measures to enhance biodiversity at the site, as set out in the approved Preliminary Ecological Appraisal – Final Report (Version 2) (issued 24.11.2023) by Archer Ecology, and others detailed below, shall be implemented prior to the first use of the development hereby approved.

- a) Installation of bird boxes within retained trees or on the new building
- b) Creation of log piles suitable for refugia for small mammals and amphibians
- c) Creation of wildflower areas within the retained grassland. Any introduced landscaping incorporates native, species-rich plants and shrubs of local provenance. Species of greatest value to pollinators, and other aerial invertebrate should be sought as this offers a greater potential food source for locally foraging bats, mammals, avifauna and herpetofauna
- d) Landscape design will seek to include hedgerow/scrub planting utilising locally native species of wildlife value.
- e) In order to avoid impacts upon nocturnal bat activity, dark and unlit corridors should be maintained around and across the site, allowing bats to pass through the site unhindered by artificial lighting. Should any artificial lighting be introduced on the site, this should be directed away from potential foraging features, including woodland, scattered trees and dense scrub established along and immediately beyond the site peripheries. Introduced lighting should be positioned at a minimum of 7m from any existing tree lines. Mercury or metal halide lamps must also be avoided. The hours of illumination could be restricted to provide a minimum of 8 hours of darkness per night. Introduced lighting should further comprise a maximum of 1 lux which is comparable to moonlight conditions.

The details of the mitigation measures shall be submitted to and approved in writing by the Local Planning Authority and retained as part of the development in perpetuity.

Reason: To enhance habitats for wildlife in accordance with the requirements and guidance of the National Planning Policy Framework.

21. Site Clearance and Protection of Nesting Birds

Any works to clear the site in preparation for development (including removal of vegetation and any groundworks) should be initiated outside of the bird breeding season (March to October). If preparatory site clearance works cannot be undertaken outside of the bird breeding season, a suitable methodology for undertaking site clearance works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved methodology shall be carried out on site.

Reason: To provide adequate protection for nesting and breeding birds.

22. Biodiversity Net Gain

Prior to the commencement of the development hereby approved, a detailed ecological appraisal for the purposes of biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The appraisal shall assess the ecological value of the existing site and identify measures to secure a net measurable gain in biodiversity of at least 10% when measured against the pre-development biodiversity value of the development site. Any approved scheme for biodiversity net gain shall then be implemented prior to the first use of the development hereby approved and retained in perpetuity.

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

23. Floodlighting

No floodlighting shall be erected other than in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The details shall include a plan which identifies the location of lighting columns along with lighting levels that will be provided at the development (including light spill), and the hours of operation of the lighting in accordance with the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light 2011'. The construction and use of the floodlighting shall be carried out in accordance with the approved details.

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

REASON FOR APPROVAL

This application is acceptable as the proposed SEN secondary school and associated works is in full accordance with the relevant national and local planning policies.

In particular, the proposed development adheres to the principles and guidance contained within the National Planning Policy Framework and the policies regarding sustainable development, the efficient use of land, transport and accessibility, appropriate measures to mitigate flood risk, conserving and enhancing the historic environment, and it would not be detrimental to the amenities of local residents and other neighbouring uses. Although the proposed school development would be situated in a location being allocated for Green Wedge, the benefits of the proposed development for the wider community are considered to outweigh the lost part of Green Wedge.

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: Highways Related Matters

Works to Highway - S278

The proposals will require alterations to the existing highway and as such will require an Agreement under Section 278 of the 1980 Highways Act. The applicant is urged to consult early with the Highway Authority (tel: 01642 728156) to discuss these proposals. This agreement must be completed and in place before work commences.

Informative: Drainage Related Matters

Sustainable Drainage Systems

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

Permeable Surfacing

Guidance on permeable surfacing of front gardens is available on the Communities and Local Government Website: www.communities.gov.uk

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.

Case Officer: Peter Wilson

Committee Date: 8th February 2024

Location Plan

