
APPLICATION DETAILS

Application No:	20/0566/FUL
Location:	Former Natures World, Sandy Flatts Lane, Middlesbrough, TS5 7YN
Proposal:	Erection of school building (Class F1) with associated outdoor-sports areas, parking and landscaping
Applicant:	Interserve Construction Ltd
Agent:	Mrs Kayleigh Dixon
Ward:	Kader
Recommendation:	Approve Conditionally Subject to Section 106 Agreement

SUMMARY

Planning permission is sought for the erection of a special educational needs (SEN) school on a site to the north of Sandy Flatts Lane, at the southern end of the former Nature's World site.

The proposed scheme includes the school building along with the associated facilities and amenities, including car parking area, multi-use games area, landscaping and boundary treatments.

The application site is allocated on the adopted Local Plan Proposals Map as part of the Green Wedge. As well as the Green Wedge, the western side of the site is identified as Secondary Open Space, and the eastern side of the site is identified as Primary Open Space. The general principles of these allocations is to protect the open and green character and appearance and to resist most developments.

In this case, however, the benefits of the proposed SEN school to the local community are considered to outweigh the loss of this part of the Green Wedge. It is also concluded that 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 subject to the signing of a Section 106 legal agreement. The legal agreement would be used as part of future mitigation measures on the highway network and to secure School Keep Clear markings outside the school.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is an irregular parcel of land measuring 1.73 hectares and situated on the southern side of Sandy Flatts Lane. The site boundaries include the existing earth mounds to the north and west, a greenlink footpath/cycleway to the east, and Sandy Flatts Lane to the south.

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 school building, which would be located relatively centrally within the site with a slight bias to the west. To the front of the building would be the main car park, with the playing field facility to the rear and side.

Prior to the submission of the planning application, a Screening and Scoping Opinion was received to ascertain whether or not an Environmental Impact Assessment would be required to support the application. Although the development was deemed to be within Schedule 2 of the EIA Regulations, the proposals do not meet the other criteria to warrant the submission of an Environmental Impact Assessment.

PLANNING HISTORY

20/0565/EIASCR

Screening opinion for proposed Discovery Academy

EIA Not Required

14th October 2020

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).

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

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 92 different addresses. The application was also advertised in the local newspaper and site notices were displayed at locations around the application site.

Following the consultation period, 25 representations were received, including 22 letters of objection, 1 letter of support and 2 other representations.

The **objections** can be summarised as follows:

- The potential increased traffic on the estate is unacceptable and will impact greatly on road safety.
- Sandy Flatts Lane is narrow and will cause issues for larger vehicles accessing the school. The road was designed with limited access to the residents.
- There is inadequate parking within the development.
- There will be restricted access for emergency vehicles.
- The expected traffic problems when school finishes. Cars will park in the estate creating a single track road from Nature's World entrance to the roundabout.
- Parts of Sandy Flatts Lane become treacherous in the winter months.
- The siting of the school entrance and exit could be better positioned.
- The road should be widened to accommodate the development.

- The noise levels will be greatly increased during construction and during school operational activity, especially from the sports pitch.
- Many existing trees and landscape screening will be removed to enable the construction works, which will have an impact on the look of the local area.
- The wildlife local to the area would be affected by the development.

The letter of **support** states that the proposed school is welcome in the area to serve those with learning and physical disabilities.

Responses from Internal Technical Services

Planning Policy – Although the application is contrary to Policy E2 (Green Wedge), consideration should be given to whether the benefits of the proposed school to the community as a whole outweighs the loss of a relatively small area of the Green Wedge.

Highway Planning – Whilst there is an impact on the operation of the highway network, it is not at a level that would be considered as severe, which is the test in the NPPF against which a refusal could be considered. As part of the development, a 2 metre footway along the eastern side of Sandy Flatts Lane connecting the school to the existing footway provision and crossing points on Ladgate Lane. A funding of £2,500 is also being secured through a Section 106 agreement in the event of approval, which shall be used to provide School Keep Clear markings and associated zig-zags to assist in keeping the school frontage clear.

Local Flooding Officer – The proposed drainage strategy is considered to be acceptable as it follows the principles as outlined in the flood risk assessment.

Environmental Health – No objections subject to two conditions requiring a site investigation/remediation measures and validation testing of the proposed sound attenuation works.

Waste Policy – No objections.

Secured By Design Advisor – The development should be developed to accredited secured by design standards.

Responses from Statutory and External Consultees

Northumbrian Water – No objections subject to a condition requiring

Northern Gas Networks – No objections.

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

Summary of Public Responses

Number of original neighbour consultations	84
Total numbers of comments received	25
Total number of objections	22
Total number of support	1
Total number of representations	2

Site notice posted –
9th October 2020

PLANNING CONSIDERATION AND ASSESSMENT

National Planning Guidance

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 February 2019. 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 (paragraph 213).
2. 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.
3. 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.

4. Specific Government guidance for school related development is held within chapter 8 of the NPPF. The chapter briefly 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.'*
5. 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

6. The relevant policies in the Development Plan regarding this application are detailed in the Planning Policy section earlier in this report. The development site lies within a designated Green Wedge; the western part of the site is also designated as Secondary Open Space and the eastern part as Primary Open Space.
7. Local Policy E2 seeks to retain Green Wedges as open space. The Policy sets out a number of criteria where planning permission will not be granted. These include:
8. *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.
9. *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. As a consequence, development of the site would not result in any loss of land in productive agricultural use.
10. *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 proposed school site is located to the western 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. A noise assessment has been submitted as part of the planning application which identifies mitigation measures that would minimise any potential adverse impacts on nearby properties or to the enjoyment of the open space.
11. *Criterion (iv) Harm visual amenity.* As noted above, the majority of the proposed development is single storey, which will assist in limiting its visual impact. Parts of the tree belt along the eastern boundary of the site are to be retained and will 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 southern-most part of the site is proposed for a car park where no screening trees or landscaping is proposed. It is considered that this could result in the appearance of a

harsh urban landscape, dominated by parked cars, hard surfacing and ancillary structures. The submitted Arboricultural Impact Assessment identifies that the removal of trees along the southern boundary will have an unavoidable visual impact. Mindful of which, it is considered that boundary planting of 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.

12. *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 view that the proposed development would not negatively impact on public use of the greenlink.
13. *Criterion (viii) Reduce the physical separation between existing development.* Built development on the site will inevitably reduce the physical separation between existing development although the visual impact of this could be mitigated by additional landscaping and planting around the boundaries of the site.
14. Policy E7 seeks to safeguard 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 special education needs school would be of over-riding benefit to the wider community. 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 would be included within the application site is a relatively thin strip of land. A proposed grass pitch would encroach into this area, which is deemed to be an appropriate use within areas of Primary Open Space. 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. Although the established tree belt along Sandy Flatts Lane would be removed, replacement tree planting is proposed albeit within a formalised appearance with hard boundary treatment resembling a typical school frontage.
15. 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 plan illustrates that the northern and eastern part of the site would be informal grassed areas (including grass pitch). The retention of green areas within the site along with the presence of adjacent sites to the north and east, which are largely undeveloped green land, would assist in retaining the predominantly green character within the locality. As referred to above in relation to Green Wedge, it is considered that the proposed development would benefit from tree planting and general landscaping along the south-western boundary to soften the car parking area and screen the sub-station.
16. 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 landscaping along the site's south western boundary would help to minimise the impact of the development on the integrity of the wider Green Wedge.

17. 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 surrounding natural environment.
18. With a single storey height, the building is relatively low and unimposing in this Green Wedge setting. Not only are the chosen materials (brickwork with timber cladding) within the building intended to provide a rich sensory experience, but 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.
19. Whilst it has been discussed that the proposals could result in a harsh urbanised southern edge to the development, this shall be limited through appropriate planting and associated soft landscaping in order to better integrate with the surrounding natural environment and retain the green character of the Green Wedge and Secondary Open Space.
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 school will assist in providing access to education facilities for pupils, in particular, those with special 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 severe learning disabilities and complex special education needs and disabilities.
22. Policy DC1 requires that the effect of development on Green Wedge is 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 100 metres to the west. For a development of this type and scale, it is considered that such a separation distance would result in no undue harmful impacts on the living conditions of existing occupiers. The proposed bin and cycle stores, however, at the front of the site would occupy a more prominent location. 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. As no finishing details of the bin and cycle stores have been submitted, a suitably worded condition is recommended to secure these provisions are sympathetically designed and do not have an adverse impact on the Sandy Flatts Lane streetscene.
24. A range of boundary treatments is proposed throughout the site: a 2.4 metre high secure fence around the site boundary, a 1.5 metre high tubular fence with matching gates at the front of the site, 3.0 metre high fencing to surround the multi-use games

area, a brick wall between 2.4 and 3.5 metres in height extending from the building to a play area used by the early years pupils, and green screens up to 2.2 metres in height fronting the car park. Other internal fencing is proposed although these would be in locations and of heights not requiring planning consent. None of the proposed boundary treatments is considered to cause undue harm to the amenities of the local area. Although visual specifications of the 2.4 metre high perimeter fencing have not been provided, it is detailed on the Landscape Masterplan as Ultimate fencing, which has an open profiled mesh appearance. Such fencing is considered to be an appropriate finish for the site perimeter in principle. The proposed implementation of a low, open fence to the front of the site is also considered to be acceptable, as this allows an aspect of the proposed school building as well as allowing the proposed planting to be prominent. The proposed fencing for the games area and the early years play areas are also deemed to be suitable, and provide necessary security and functionality whilst not impacting negatively on the wider area. Notwithstanding the above, however, a condition is recommended for the details of the finishes of the fencing to be submitted for written approval.

Transport Implications

25. 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 following pre-application discussions to identify methods to achieve these. Policy CS18 requires development proposals to incorporate measures that improve the choice of transport options. The proposals sought include dedicated cycle parking, which will provide a sustainable travel option for staff.
26. 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.
27. The application has been supported by a Transport Assessment and, as part of the process, the development proposals were run in the authority's strategic Aimsun model. When establishing the level of traffic generation, a methodology was used based upon the expected number of pupils, staff and their anticipated mode of travel. Due to the nature of the development, vehicular use is expected to be high. Robust assumptions have been made and supporting information has been provided by the Academy with regards to how the school would operate.
28. The Aimsun model takes into account committed development and assesses both the impact of the development in isolation and the cumulative impact upon the highway network. With regards to these proposals, the model has identified that there will be a material impact at the junction of Sandy Flatts Lane/Ladgate Lane. Further interrogation of the model has identified that the issue at this junction is due to the operation of the adjacent Blue Bell roundabout and the interaction of queues between these junctions.
29. Other factors to take into account are that the impact of the school is a small proportion of the overall capacity issue in the area. As the development is a school, it is expected that this impact will only be seen Monday to Fridays during term time. Any mitigation scheme is likely to be disproportionate in scale and cost to the school proposals.
30. Given the above factors, officers have negotiated and secured a contribution of £22,500 from the school. Should Members be minded to approve the application, this funding

will be secured through a Section 106 legal agreement; the majority of the contribution would be used towards feasibility, design and estimate studies for a mitigation scheme at the Blue Bell roundabout. Funding to deliver the mitigation scheme will then come forward proportionately from other sources which could include other S106s, capital funding or grants.

31. Whilst it has been analysed that there will be an impact on the operation of the network, it is not at a level that would be considered as severe, which is the test in the NPPF against which a refusal could be considered.
32. In terms of car parking at the site, the site plan identifies 50 car parking spaces, 10 minibus spaces plus an ambulance bay being provided with the school. This level of parking is in accordance with the parking standards set out in the Tees Valley Highway Design Guide and is consistent with the methodology used with regards to trip generation.
33. It should be noted though that due to the nature of the school, the applicant has advised that most pupils will arrive individually in either arranged taxis or minibuses. The number of pupils that will arrive in private car to be dropped off is negligible and, as such, it is not envisaged that there would be the type of parking issues which can be seen at other schools.
34. As for the Access arrangements, Sandy Flatts Lane is in the region of 5.5 metres wide. This width is considered to be sufficient to enable two-way traffic flow and is in accordance with national guidance on carriageway widths.
35. The site is proposed to be accessed via two new vehicular access points onto Sandy Flatts Lane, which are proposed to operate as a one-way entry/exit system. Whilst the Highways Authority would normally seek to reduce the number of vehicle access points onto the adopted highway, the access arrangements and internal layout in this case have been designed with regards to the specific needs of the end user – this being predominantly the need to achieve a safe access within the site for pupils to be dropped off.
36. The development proposals include the provision of a 2.0 metre wide footway along the eastern side of Sandy Flatts Lane, which will connect the school to the existing footway provision and crossing points on Ladgate Lane. As already noted, funding of £22,500 can be secured through a legal agreement should Members be minded to approve the application, and £2,500 of this contribution would be used towards the provision of School Keep Clear markings and zig-zags to assist in keeping the school frontage clear of any on-street parking.
37. Given the above factors, there are no objections to the scheme from a highways perspective, subject to conditions requiring details of the off-site highways works, the works being in line with the travel plan, the implementation of the cycle store, and a method of works statement to protect the existing highway.

Flood Risk and Drainage Implications

38. Given the area of the site and the sensitivity of the use, the application has been submitted with a Flood Risk Assessment. The site is within flood risk zone 1, which is recognised as an area with low probability of flooding. 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. Four conditions in relation to the maintenance and management of the drainage system, as well as details of the foul and surface water arrangements, are recommended to secure appropriate details.

Ecological Considerations

39. The application was supported by an overarching preliminary ecological appraisal as well as individual species surveys for barn owls, bats and reptiles.
40. The submitted bat survey concluded that bats are unlikely to be commuting and foraging significantly on the site and no further surveys are required. The Bat Emergence and Re-entry Surveys, however, conclude that the developed site could be enhanced for the bat species observed foraging and commuting across the site by installing a number of bat boxes on trees around the site boundaries. It is, therefore, recommended that a condition is imposed to secure bat boxes to enhance wildlife at the site to meet the guidance contained in the NPPF.
41. A barn owl mitigation and enhancement plan was submitted with the application, which concluded that parts of the application site are a confirmed nesting site and that provision for barn owls should be incorporated into the proposed development. A condition is recommended to secure the provision of owl nesting boxes to provide temporary roosting provisions for barn owls while the works are completed.
42. The submitted Reptile Presence/Likely-absence Survey concludes that there is a likely-absence of reptiles on the site and that there are not anticipated to be any impacts on reptiles as a result of the proposed works.

Residual Matters

43. The application has been supported by an arboricultural assessment, noise impact assessment, preliminary ecological appraisal, and site investigation. All documents have been considered by the respective technical experts and no objections have been raised.
44. The submitted tree survey, which has been undertaken by a qualified arboriculturalist, identifies all trees that are to be removed as part of the proposed development. It has revealed that all trees 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.

Conclusion

45. Although the proposed development could be considered contrary to Policy E2 (Green Wedge), it is considered that the benefits of the proposed special educational needs 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 along the south western boundary of the site, this would reduce the visual impact of the development on the Green Wedge.
46. Overall, the officer recommendation is to approve subject to conditions and the signing of the Section 106 agreement.

RECOMMENDATIONS AND CONDITIONS

Approve Conditionally subject to Section 106 Agreement

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) Site Location Plan (Rev P02)
- b) Site Plan – Proposed (Rev P11)
- c) Level 00 – Proposed Plan (Rev P17)
- d) Proposed Elevations (Rev P08)
- e) Roof – Proposed Plan (Rev P02)
- f) Building Section 1 – Proposed (Rev P03)
- g) Building Section 2 – Proposed (Rev P03)
- h) Indicative Site Sections (drawing no. 137060/8002 Rev B)
- i) Landscape Masterplan (drawing no. 137060/8001 Rev E)
- j) External Lighting Strategy Layout (Rev P01)

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 Remediation Works

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 Phase I (UK19.4497, dated 3rd July 2019) and Phase II (UK19.4497C, dated 29th November 2019) Geo-Environmental Desk Studies by EPS 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. Sound Testing - Validation Report

Prior to the installation of any plant or machinery to be used as part of the school building hereby approved, it shall include sound attenuation measures that are based on the results of a desk-top noise impact assessment of the chosen plant or machinery that have first been submitted to and approved in writing by the Local Planning Authority. Any desk-top noise impact assessment shall include any specific mitigation measures to predict compliance within the given noise limits.

The chosen plant or machinery shall then be installed in accordance with the approved sound attenuation works and thereafter retained on site in full accordance with the approved details in an operational state for the lifetime of the building.

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

6. 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.

7. Surface Water Drainage Management and Maintenance Plan

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

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

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

8. Foul and Surface Water NWL

Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To 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 Approved Details

The development shall not be occupied until the surface water drainage works have been implemented in accordance with the submitted and approved Drainage Philosophy, DISC-BGP-00-xx-RP-C-001 (issue 001) dated 14 August 2020 and Surface Water Drainage Plan, DISC-BGP-01-xx-DR-C-01130 (Revision P01), dated

29 July 2020 which should follow the principles as outlined in the Flood Risk assessment, DISC-BGP-00-xx-RP-C-002 (Version 1) dated 14 July 2020 and restricts surface water discharge from the development to a greenfield runoff rate of no less than 5 l/s per Ha or as specified by the LLFA.

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.

10. Traffic Regulation Order

Prior to the commencement of development hereby approved the details of necessary Traffic Regulation Orders to create a School Keep Clear zone to the site frontage must have been agreed in writing with the Local Planning Authority. The development hereby approved must not be occupied until the process to implement the agreed Traffic Regulation Orders has been initiated.

Reason: The development is in a location that is easily accessible by public transport, near a range of amenities including shops and leisure facilities, and within a controlled parking zone having regard for policy CS4 of the Local Plan and section 9 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 must be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented prior to first occupation with the development thereafter being occupied in accordance with the approved Travel Plan unless agreed otherwise in writing by the Local Planning Authority.

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

14. Off-Site Highway Works

The development hereby permitted shall not come into use until the highway works detailed below have been carried out in accordance with the submitted drawing(s) 19213-HL-00-XX-DR-A-1600-S4-P12 or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority:

- a) Provision of a 2m footway along Sandy Flatts Lane linking the site to existing facilities on Ladgate Lane, extending from Ladgate Lane to the sites Northernmost site boundary

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

15. 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 on the approved Landscape Masterplan drawing) 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. Details of Cycle Store

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

Reason: To ensure appropriate cycle store provision for all users of the site in accordance with the principles of the NPPF.

21. Wildlife Mitigation

A scheme identifying the locations of bat and owl nesting boxes to be incorporated within the approved development shall be submitted to and approved in writing by the Local Planning Authority. The bat and owl nesting boxes of the approved scheme shall then be installed at the agreed locations within six months of the first use of the approved school use, and retained in perpetuity.

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

22. 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.

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.

24. Construction Method Statement

The development hereby approved shall not be commenced until a detailed Construction Method Statement has been undertaken and then submitted to and approved in writing by the Local Planning Authority. The Statement shall detail how pollution associated with the development hereby approved shall be controlled to protect priority habitats as identified in the submitted Preliminary Ecological Appraisal.

Reason: To ensure a satisfactory form of development in the interests of the protection of 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 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

Informative: Northumbrian Water matters

How to satisfy the NWL condition: The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely: Soakaway, Watercourse, and finally Sewer.

If sewer is the only option, the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a pre-planning enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6559.

Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Only then can an application be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

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: 15th January 2021

