

---

## APPLICATION DETAILS

---

<b>Application No:</b>	21/0304/RES
<b>Location:</b>	ACKLAM HALL, Hall Gardens, MIDDLESBROUGH, TS5 7DY
<b>Proposal:</b>	Erection of 55 bed hotel and spa with ancillary works adjacent to Acklam Hall
<b>Applicant: Company Name:</b>	R & H Properties
<b>Agent: Company Name:</b>	Mr Stephen Longstaff, ELG Planning ELG Planning
<b>Ward:</b>	
<b>Recommendation:</b>	Refuse

---

## SUMMARY

---

This application seeks reserved matters consent for the erection of a 55 bed hotel (including a spa located at a basement level) to the east of Acklam Hall in the location of the eastern courtyard which previously occupied the site.

The principle of a development in this location has been agreed as part of the 2012 hybrid application which gave outline consent for an extension to the Hall in the location of this proposed development.

Following a consultation exercise resident's objections were received from 36 properties and one letter of support was received.

During the application process, in response to consultee and officer comments, a revised scheme was submitted. Whilst improvements were made in relation to the scale of the development (increasing the separation distance to the existing residential properties) and the design of the building. The changes did not go far enough to remove the concerns raised by Historic England, the Conservation Officer, or the planning authority.

The development is considered to result in harm to the significance of the heritage asset, namely Acklam Hall, a grade I listed building and its setting, and the Acklam Conservation area. The proposed development lacks subservience and will dominate views of the hall by virtue of its design and appearance. The scale and massing, whilst in broad accordance with the outline consent, appear incongruous as a result of the bulky design. The excessive levels of parking detract from the setting of the Hall and harm the visual appearance of the area. On balance, the economic and public benefits of the development are not considered

to outweigh the harm caused to the heritage assets. Objections have been received from Historic England and the Conservation Officer in this regard.

The revised details also failed to respond to the issues raised by the Local Highway Authority in relation to excessive parking provision, and failed to provide any mitigation in relation to nutrient neutrality. This resulted in objections from the Local Highway Authority and Natural England respectively.

The proposed development is considered to be in conflict with local plan policies CS4, CS5 and DC1, and paragraphs 114, 116, 135, 203, 205, 206, 208 and 212 of the NPPF.

As a result the application is recommended for refusal.

---

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

---

The application site is located on the Acklam Hall estate to the north of Hall Drive within the Acklam Hall Conservation Area. Acklam Hall is Middlesbrough's only grade I listed building. Within the wider site there are residential dwellings located to the east and west of Acklam Hall, separated from the Hall by a formal landscaped garden to the west and an area of grassed open space to the east. To the immediate northwest of the Hall sits St Mary's Church and to the northeast is the Tees Valley Hospital which sits directly north of the residential dwellings which are to the east of the Hall. To the south is an area of open space separating the site from Hall Drive, the Avenue of Trees and residential estates. To the north is an area of open space.

Permission is sought for the erection of a 55 bed hotel and spa located to the immediate east of Acklam Hall, between the Hall and the existing residential dwellings. The development includes three storeys (two floors above ground and a basement). The proposed development includes a car park to the south of the hotel and the retention of the existing car park to the south of Acklam Hall.

---

## **RELEVANT PLANNING HISTORY**

---

M/FP/1046/11/P – Hybrid application for 56no. dwellings, doctors surgery and parking, outline nursing home, works to Hall including extension and restoration and landscaping. Approved with conditions 6th August 2012

M/CAC/1044/11/P – Demolition of east and west wings of Acklam Hall, teachers block and swimming pool. Restoration of features that interface with the Hall. Approved with conditions 6th August 2012

M/LBC/1045/11/P – Demolition of east and west wings of Acklam Hall, teachers block and swimming pool. Restoration of features that interface with the Hall. Approved with conditions 6th August 2012

M/FP/0481/13/P – Variation of conditions 1, 2, 3, 4, 7 15, 19. 20. 24. 25. 26. 27. 29. 30 and 31 of M/FP/1046/11/P to facilitate alternative phasing arrangements.

Approved with conditions 24th June 2013

M/CAC/0533/13/P – Variation of conditions 2, 4, 5 and 6 of M/CAC/1044/11/P to facilitate alternative phasing arrangements.

Approved with conditions 1st October 2013

M/LBC/0534/13/P – Variation of conditions 2, 4, 5, 7 and 8 of M/LBC/1045/11/P to facilitate alternative phasing arrangements.

Approved with conditions 1st October 2013

M/FP/0142/14/P – Variation of conditions 7 and 12 of M/FP/1046/11/P to substitute house types and amend approved road layout and boundary treatments.

Approved with conditions 23rd May 2014

M/RES/0438/14/P – Reserved matters application to approve southern access road.

Approved with conditions 27th May 2014

M/LBC/0828/14/P – Listed building consent for repair and conservation of external fabric.

Approved with conditions 30th September 2014

M/LBC/1039/14/P – Listed building consent to reposition existing gateposts to follow new kerb line/access arrangements.

Approved with conditions 23rd December 2014

M/LBC/1163/14/P – Listed building consent for restoration and repair of internal fabrics and external works to windows/doors of west elevation.

Approved with conditions 13th March 2015

M/FP/1259/14/P – Variation of condition 1 & 3 of planning permission M/FP/0142/14/P for the extension of time on the approval of reserved matters and amendments to the approved design and access statement.

Approved with conditions 12th January 2015

M/LBC/0265/15/P – Listed building consent to repair fence to Hall Drive, curved sections around gates using existing posts, straight sections to be replaced with new fence to match existing.

Approved with conditions 16th April 2015

M/FP/0285/15/P – Change of use from education to mix use development, restaurant (A3), offices (B1), conference venue (D1), wedding/function room and other D2 uses, and ancillary deli and flower shop (A1).

Approved with conditions 13th April 2015

M/RES/0544/15/P – Detailed design of landscape layout for the Hall and its immediate grounds and the wider grounds.

Approved with conditions 6th July 2015.

M/FP/0866/15/P – Variation of condition 3 of M/FP/1259/14/P for the extension of time on the submission of reserved matters.

Approved with conditions 14th September 2015

M/AMD/0544/15/P – Non-material amendment to M/RES/0544/15/P to the formal garden landscape layout.  
Approved 1st December 2015

M/LBC/1363/15/P – Re-opening of access from Acklam Hall to St Mary's Church and installation of timber gate.  
Approved with conditions 29th February 2016

M/LBC/0754/16/P – Works to garden wall including erection of buttresses and part re-build.  
Approved with conditions 23rd August 2016

17/0100/VAR – Variation of condition 3 of M/FP/0866/15/P for the extension of time.  
Approved with conditions 23rd June 2017

20/0694/LBC – Retrospective application for internal alterations to fixtures and fittings and creation of stone walkway to front.  
Approved 29th January 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:

DC1 - General Development  
CS5 – Design  
CS4 - Sustainable Development  
H1 - Spatial Strategy  
H11 - Housing Strategy  
H31 - Housing Allocations  
UDSPD - Urban Design SPD  
HGHDC - Highway Design Guide

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

---

Following a consultation exercise including letters to residents, press notice and site notices. Objections were received from 36 properties and support was received from 1 property. The comments are summarised below.

### Summary of resident objections:

Item No: 1

- Contrary to Local Plan
- Acklam Hall is becoming beleaguered by human activity that will spoil its historic setting;
- The relationship with the immediate surroundings;
- Size/scale to large;
- Should be single storey not two storey;
- How is it going to function;
- Design is not appropriate, does not sit comfortably with Acklam Hall;
- Out of keeping with the character of the area;
- Not sympathetic to the listed building or conservation area;
- Too much development on the site;
- Use not appropriate/not needed;
- Budget hotel not appropriate in this location;
- Says hotel but no reception, lounge, restaurant and bar;
- Should be left as recreational area for the community;
- Does not sit well with the church;
- Increase in antisocial behaviour from hotel and footpath to rear of houses;
- Loss of privacy to residents and patients in the hospital;
- Should face into courtyard to reduce impact on neighbours;
- Separation distances are to first floor of houses, they do not take into account single storey offshoots, extensions and garages;
- Residents have to abide by strict restrictions to extend, so should the Hall;
- Loss of views of listed building;
- Site is a route through the site for pedestrians including school children;
- Loss of trees;
- Loss of open space;
- Wear and tear on grounds;
- Impact on wildlife;
- Blank walls should be living walls;
- Light nuisance;
- Increase in noise;
- Increase in pollution;
- Increase in traffic/congestion;
- Works promised to St Mary's Walk have never happened;
- No traffic impact study;
- Impact on highway safety;
- Surrounded by car parks on 3 sides;
- Too much car parking required for the hotel;
- Masterplan identified parking in front of an eastern extension but also the removal of the existing parking at the front of the Hall. However, the parking at the front of the Hall is now to be retained;
- Drainage issues due to excessive hardstanding;
- Deliveries are taking place at the side of the Hall on the grass instead of at the rear, this is where access is needed not by the houses;
- Noise from air condition and generators;
- Land to north of the Hall has not been maintained as promised;
- The hotel should be connected to the Hall and not run as a separate enterprise;
- NWL have said flooding and contamination to the surrounding habitats could be likely during/after construction;
- Underground utilities not mapped could be an issue; and,
- In breach of Human Rights Act.

**Resident objections received from:**

1. 421 Acklam Road
2. 19 Adcott Road
3. 20 Ambleside Grove
4. 28 Bewley Grove
5. 3 Broadgate Gardens
6. 24 Cawood Drive
7. 8 Church Drive
8. 11 Church Drive
9. 14 Church Drive
10. 98 Church Lane
11. 100 Church Lane
12. 27 Embleton Avenue
13. 12 Foxgloves;
14. 47 Hesleden Avenue
15. 2 Hustlers Way
16. 3 Hustlers Way
17. 4 Hustlers Way
18. 5 Hustlers Way
19. 6 Hustlers Way
20. 8 Hustlers Way
21. 9 Hustlers Way
22. 10 Hustlers Way
23. 14 Hustlers Way
24. 11 Kader Farm Road
25. 70 Maldon Road
26. 52 Mandale Road
27. 49 Phoenix Park
28. 17 Rockingham Court
29. 64 Roman Road
30. 30 St Austell Close
31. 48 St Marys Walk
32. 92 St Marys Walk
33. 16 Teesbank Avenue, Eaglescliffe
34. 11 The Brambles, Preston
35. 21 Walton Avenue
36. 622 Yarm Road, Eaglescliffe

**Summary of residents support:**

- When purchasing our house next to the Hall we were told there was plans for a hotel and spa and a small local private hospital;
- The design is innovative and of a high quality and compliments the Hall excellently and is in line with the design of the newly built hospital.
- It will enhance the appearance as you drive up and is far better than the school buildings that were there.
- Position, design and boundary walls/hedging should not cause excessive noise pollution or damage to the existing grounds or wildlife due to it presently being just barren land.
- Space between the hotel and residents high rear walls will hopefully give the residents the privacy they require.

- Car park will be screened and a small hotel development vehicle movement would not be excessive.
- There are problems with traffic on Hall Drive with local football clubs but this is only once a week. Hotel traffic will not increase this as it is at different times (unlike housing at St David's Way).
- Rear entrance for deliveries will reduce traffic on Hall Drive.
- Will benefit the Hall for future upkeep and business opportunities;
- Enhance area by bringing in more revenue.
- High quality accommodation in lovely surroundings.
- The grounds at the front remain available for public use.
- Jobs for local people.

**Residents support received from:**

1. 47 Church Drive

Planning Policy – MBC

The principle of an extension to the Hall in this location has been approved in outline. The proposed use of a hotel in the Hall has also been accepted in principle through the outline consent and therefore a hotel adjacent to the Hall is considered to be acceptable.

Consideration should be given to whether the proposed design of the building would integrate well with its context and preserve or enhance the character of the conservation area and the Grade I Listed Acklam Hall.

Highways – MBC

Based upon statements made by the applicants regarding the alleged reserved matters approval already existing for the car park, the pertinent consents seem to be;

- M/FP/1046/11/P - Hybrid application for 56no dwellings, doctors surgery and parking. Outline nursing home, works to Hall including extension and restoration and landscaping  
Secured TA details singular car park
- M/FP/1259/14/P - Variation of condition 1 & 3 of planning permission  
M/FP/0142/14/P for the extension of time on the approval of reserved matters and amendments to the approved design and access statement.  
The secured D&A Statement clearly shows a singular car park to the East of the Hall.
- M/RES/0544/15/P - Detailed design of landscape layout for the Hall and its immediate grounds and the wider grounds.  
Condition 2 secured Landscape Phasing Plan 9001 rev. P1 which is consistent with other landscaping plans and clearly shows that the car parking to the front of the Hall is temporary and to be replaced with car parking to the East.

Based upon this information we do not consider that we can support the application as presented as it does not appear to be in-line with the outline consent and is not a reserved matters consent as it effectively seeks to create an additional car park.

Despite requesting information regarding this none has been forthcoming and as such it is not considered that sufficient information is available in order to demonstrate the suitability of proposals.



Development proposals seek consent for erection of 55 bed hotel and spa with ancillary works adjacent to Acklam Hall. The outline consent to which this reserved matters consent applies considered a number of potential land uses within the Hall and in a new building adjacent to the Hall. This outline consent was supported by a Transport Assessment and established that a singular car park was to be provided to support the proposed development. Significant emphasis within this supporting document was also made to the production of a site wide Travel Plan and promotion of sustainable travel.

The approach taken to the reserved matters application seeks to retain the existing large car park to the front of Acklam Hall, whilst also creating a new 56 space car park to serve the proposed new building. This approach results in an increase in traffic associated with the increase in car parking that has not previously been assessed. In addition no details nor justification have been provided to demonstrate why the additional car parking is required nor that the level of such provision is reasonable and necessary. This has to be considered in the context of sustainable travel aims and the design/layout of the scheme.

Even when assessing the proposed car park which is to serve the hotel, the level of provision is significantly greater than that required in the Tees Valley Highway Design Guide. As the hotel and spa have no food/beverage facilities it is clear that the proposed development is to act as an ancillary offer to existing uses within Acklam Hall. This interdependency will further reduce potential car parking demand owing to linked trips. Assessing each land use in isolation without taking this into account will result in an over provision of car parking and would not be representative of the way in which the site could be expected to operate.

Cycle provision is poorly designed and located, being on the edge of the car park, remote to the main building entrance and with no connecting infrastructure. No assessment of the likely level of need/demand nor assessment against relevant standards has been submitted.

Development proposals result in car based development contrary to local and national policy and any justification or evidence base to support the level of parking provision have not been provided.

#### Conservation – MBC

The application site is land in the grounds of and immediately adjacent to historic Acklam Hall, in Acklam (originally a village and now a suburb) in Middlesbrough.

#### Heritage Assets

A Manor House, Acklam Hall was built circa 1680 for William Hustler. It is Middlesbrough's only Grade I Listed Building. Its List Entry describes "Brick with sandstone dressings. Lakeland slate roofs; flat roof on dining room. U-plan. Palladian style, after Inigo Jones; with Jacobethan attic dormers. 2 storeys and attic; 7-bay entrance front, the 2nd and 6th bays slightly projecting. Central closed Ionic porch with fluted columns; panelled double doors in pilaster-and-archivolt surround with carved keystone; parapet with Hustler arms and enriched vases at ends." Extended in 1845 it was also altered in 1910-12 (including the addition of the second floor and the current front porch) and converted into a school in 1935. Since 2008 it has been part of a major programme of refurbishment and conversion to a hospitality venue, including weddings.

In the grounds is St Mary's Church, which was built 1854 and is on the Local List. The original church dates from 1874, although this replaced a 1770 rebuild of a medieval chapel.

The church continues to serve the people of Acklam and remains a key building in the Acklam Hall Conservation Area, forming part of the setting for the Grade I Acklam Hall. An extension was designed by G.E Charlewood to increase capacity from 135 to 400 in 1957, for the increased population from the surrounding new housing developments. Although the extension is unsympathetic it retained the Sanctuary and Chancel of the earlier church. The 1874 church is Victorian Gothic in style, of coursed squared stone with a slate roof, and a chamfered plinth. There are many architectural features to note including a octagonal bell turret spirelet to the West End of the church and stone perpendicular tracery windows to east and west gables. The east window of 1873 is by Kempe.

Acklam Hall also lies within Acklam Conservation Area designated in 1970, centred on Acklam Hall and covering the remains of its historic gardens and park. The Character Appraisal identifies medieval features, including a Deserted Medieval Village and fishpond which is a Scheduled Monument. Acklam is first recorded on the Domesday Survey of 1086. Church Lane is the historic core of the village of Acklam but most of the buildings date from the mid or late twentieth century and are of limited interest. During the first half of the seventeenth century the estate was acquired by William Hustler; his grandson, Sir William Hustler, built the present Acklam Hall in c.1683. He also laid out extensive gardens around the house and the avenue of trees stretching south. It is Middlesbrough's only Grade I Listed Building and the Conservation Area includes Locally Listed St Mary's Church, Danby House, South Lodge and West Lodge. The Conservation Area's significance lies in it being Middlesbrough's oldest surviving country house, grounds, and ancillary buildings, now surrounded by suburbs. The Conservation Area is on the national Heritage At Risk Register, identified by Historic England because of the harmful impact of some new development in the grounds of Acklam Hall.

Adjacent to the southern end of the Avenue of Trees is South Lodge, built 1912 by Walter Briely, at the same time as West Lodge as part of the alterations to Acklam Hall estate. Both lodges are on the Local List because they help to create an impression of grandeur, influenced by their Scottish Baronial style.

#### Impact Assessment

This reserved matters application is in relation to M/FP/1046/11/P and 17/0100/VAR, a hybrid outline application and a variation application that approved, amongst other development, an extension to Acklam Hall.

The proposed extension is of poor architectural quality – bland and lacking local distinctiveness, not appropriate as an extension to this building in this location despite the partial use of natural stone. Contemporary architecture is an honest approach to extending an historic building, but needs to be well-designed in context to be successful and this proposal would not achieve that, particularly in the approved location, adjacent to the historic building's principle elevation.

The hardstanding and car parking proposed would also be harmful to the setting of Acklam Hall when seen alongside the principle elevation. The location of the car park in front of the extension has been approved by the outline permission but is on the basis that it would result in the loss of existing car parking in front of Acklam Hall, which this application proposes to retain as additional car parking.

As proposed this scheme would not result in the creation of high quality, beautiful and sustainable buildings and places causing harm to the settings of Acklam Hall and St Mary's Church and to the significance of Acklam Hall Conservation Area, already At Risk.

#### Conclusion

This application does not comply with paragraphs 135, 203, 205, 206, 208, 209 and 212 of the 2023 National Planning Policy Framework and with policies CS4 and CS5 of the Middlesbrough Core Strategy.

#### Local Flood Authority – MBC

I have looked through the documents provided and it does not look like they have provided any of the information as requested in my previous e-mail on this one back on the 29th June 2021. I therefore reiterate my comments:

It was previously agreed and conditioned as part of the Hybrid Application that for each phase of development, a scheme for surface water drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on the phase and thereafter be fully implemented to the satisfaction of the Local Planning Authority. I have checked through all subsequent variations /discharges and cannot find any details relating to the drainage on this specific phase.

#### Information required:

- Drainage Plan
- Plot Drainage Plan
- Plan showing Finished floor levels
- Plan showing Flow Route, where flooding occurs from manholes (locations, depth and conveyance routes of flood water up to the 1 in 100 year event)
- Plan showing Exceedance Routes (locations, depth and conveyance routes of flood water of the 1 in 200 year event)
- Information on the build program of critical surface water drainage infrastructure
- Details on how control structures and storage structures will be protected during construction of site
- Details on how surface water runoff from site will be managed during construction
- Details on the measures to be used to control silt entering the system
- Arrangement for the short and longterm maintenance of the SuDS etc
- SuDS Features (ponds, swales)
- Control Measures
- Drainage Construction Details
- Surface Water Long sections
- Manhole Schedule
- Manhole Construction Details
- Micro Drainage Calculations

#### Waste Policy – MBC

No comments

#### Rights of Way – MBC

A plan showing the existing and proposed formal and informal pedestrian links throughout the wider site.

Environmental Health – MBC

Should the application be approved the following conditions are required.

- A BS: 4142 noise assessment shall be submitted to and approved in writing by the Local Planning Authority before the use hereby commences. The assessment shall identify noise levels at the site along with the noise which will be generated at the development and its impact upon neighbouring premises. The assessment should identify noise from sources such as deliveries being made, noise from fixed plant and machinery at the development and noise from the use of the car park. The assessment should include details of any measures identified to protect neighbouring premises from noise. Any measures identified in the assessment to protect residents from noise generated due to the use of the site should be implemented before the use of the development commences.
- Deliveries and collections to the rear of the premises must be kept between the hours of 8:00am and 7:00pm Monday to Saturday, and between the hours of 9:30am and 6:30pm Sunday.
- Collections from the refuse store must be kept between the hours of 8:00am and 7:00pm Monday to Saturday, and 9:30am to 6:30pm Sunday.
- Details of any floodlighting shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences and the premises used. The details shall include a plan which identifies the location of lighting columns along with lighting levels that will be provided at the development and at the facades of neighbouring premises. The construction and use of the floodlighting shall be carried out in accordance with the approved details.
- Before any ventilation and fume extraction system is used on the premises it shall be enclosed with sound insulating material and mounted in a way which will minimise transmission of structure borne sound in accordance with a scheme to be approved in writing by the Local Planning Authority. Further advice is available from the Community Protection Service.
- The applicant should be aware that noise from construction work and deliveries to the site may have an impact upon local residential premises. The applicant may if they wish to apply for a prior consent under the Control of Pollution Act 1974 Section 61 with regard to working hours at the site. The applicant can contact the authorities Environmental Protection service for require more details regarding the prior consent process. The hours that are recommended in the Control of Pollution Act for noisy working are 8-6 Mon-Fri, 8-1 Saturday and no working Sundays and Bank holidays.

Secured by Design – Cleveland Police

In relation to this application, I recommend applicant develop to accredited Secured By Design standards, full information is available at [www.securedbydesign.com](http://www.securedbydesign.com)

However, and in any case, I recommend they contact me for any advice, guidance I can offer in relation to designing out opportunities for crime and disorder to occur. This can include guidance on physical security standards for doors and windows, cctv, appropriate standards of lighting to building, pathways and car parking areas, surveillance, boundary treatments as examples.

### Historic England

The paragraph numbers referred to in these comments have been updated to reflect the numbers in the NPPF December 2023.

#### Summary

Historic England retains strong concerns regarding this proposal.

We previously criticised the original submission as not being of enough architectural quality to preserve or enhance the significance of the grade I listed Acklam Hall and the conservation area that surrounds it.

Despite a more contextual approach, the proposal still lacks such quality: presenting a building that is in itself, poorly composed, and in relation to the Hall, not subservient enough to leave the listed building as the main focus. This impacts harmfully on the significance of the Hall as one of the region's earliest and most attractive country houses.

We consider that the proposal fails to enhance local character in line with paras. 135 and 212 of the National Planning Policy Framework (NPPF). Rather, it would harm heritage significance to a moderate degree. In assessing the clear and convincing justification required for such harm we draw attention to the high grade of the listed building and the possibility that any public benefits you feel could derive from the proposal could be achieved by a different design (paras 205, 206 and 208).

#### Historic England Advice

##### Significance

Acklam Hall was built as country house in the 1680s for Sir William Hustler. It was one of a few stately homes in this part of historic North Yorkshire, alongside Guisborough and Kirkleatham, built towards the turn of the 17th century that used the latest architectural and landscape styles.

Additions in the mid-19th century and early 20th century were skilfully done and the Hall has retained much of its original classical architectural character, in contrast to many from this age that were either rebuilt or refaced. It is a rare survival whose elegance makes it one of the architectural jewels of the region. Its grade I listed status places it in the top 2.5% of all listed buildings in England and is Middlesbrough's only grade I listed building and the focus of the Acklam Conservation Area.

Originally the Hall was surrounded by an extensive formal garden, now lost apart from a treed avenue to the south. 20th century development around the Hall for a college and then housing has done much to reduce the historic sense of a stately home set apart from its surroundings but the space around it and in front remains key to maintaining a setting fitting to a building of this architectural quality, as well as forming a key aspect of the character of the Conservation Area.

#### Impact

In our original responses of 13th May and 9th December 2021 we criticised the design of the proposal as being inadequate for such a sensitive setting, finding its modular approach bland and not responding to context. The amendments include more contextual reference whilst maintaining the contemporary style, advocated within the design code for the site.

The use of contemporary architecture adjoining historic buildings of high architectural quality is an established practice but one that creates a difficult design challenge, which needs to be of high quality if the special architectural and historic character of a listed building is to be maintained.

In this respect the proposal fails. Taken in isolation, the design feels uncoordinated as it moves from bay windowed rooms to historic gables and then to a semi-blind row of tall 'carriage' arches. The result is not a pastiche of historic details, but the references used just don't work well together.

The proportion of the bay windows takes their cue from window arrangement of the Hall. However, their near full height gives such a definite vertical emphasis and rhythm to the south elevation that they become such a strong feature as to compete with the Hall when employed across a width that is greater than the parent building. The use of stone and metal surrounds to the bay windows also adds to the building's presence by setting up a contrast of materials.

The result would be a building that would be conspicuous against the Hall rather than harmonious with it. Overall, some design improvement is gained but not of sufficient quality to sit alongside the Hall.

The key to successful design in this occasion lies in it being totally subservient to the Hall. Doing so goes beyond the height parameters set out in the design code to consider also how details, openings and materials could be used to create something wholly recessive but at the same time well composed.

Looking at the overall site plan, it is unfortunate that car parking remains to the front of the Hall whilst a new car park is proposed to the front of the hotel extension. Restricting the car parking to the new area would help in creating a sense of dignity to the front of the house, that historically would have been the case, as well as improving the historic view, to and from the treelined avenue to the south. As proposed the distracting clutter of carparking is worsened.

The sunken spa area might remove archaeological deposits relating to the Hall and earlier phases of Acklam. I suggest referring this to your archaeological adviser if not done so already.

#### Policy

We consider the requirement of the National Planning Policy Framework (NPPF) paragraph 135 to have relevance in this case. Paragraph 135 makes clear the need for development to take the opportunities available for improving the character and quality of an area in a way that is sympathetic to local character and history. Likewise, para.212 (of the NPPF) calls for local planning authorities to look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance.

The proposal does not achieve these aims but rather harms the significance of Acklam Hall and the conservation area through a design that would detract from the Hall's strong visual quality. The level of harm would be moderate, equivalent to 'less than substantial'.

The NPPF (para.205) asks that great weight be given to the conservation of designated heritage assets, the more important the asset the greater weight. It follows that as a grade I

listed building its conservation should be given a high priority. This needs to be considered in respect to the clear and convincing justification for harm to heritage significance, in terms of public benefits, asked for by paras. 206 and 208.

Whilst the assessment of public benefits is a matter for the local planning authority, we consider that there are likely to be ways that public benefit could be achieved through better design and this undermines any justification on these lines.

To summarise we retain strong concerns about this proposal's impact on the significance of Acklam Hall.

#### Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 135, of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

#### Archaeology

The revisions do not alter the probable impacts on the significance of below-ground archaeological interest. Our comments of 14th May 2021 are therefore unchanged.

The submitted location plans shows that the development will not impact on the remains of the moat to be found directly to the west of the part excavated/preserved by piled construction in 2016-2017, and importantly will not impact on the area to the south of the moat, but north of the now demolished building ranges formerly located in the area the subject of the development (this area – suggested as the location of another medical facility at the time of the hybrid planning permission – should not be built upon without prior archaeological investigation).

For the development currently proposed, therefore, we would recommend no more than that an archaeological watching brief/monitoring be maintained of works of ground disturbance in the area where the new hotel is to be built. The purpose of such a watching brief/monitoring would be to observe excavations below 300mm in order to record any eighteenth century or earlier building remains and/or artefacts that are disturbed or destroyed. An archaeological WSI would be required to specify the archaeological work in question and an appropriate condition could be attached to secure the same.

The general parameters of location, footprint and height, of new development to the east of the listed Hall, appear to have been settled under previous applications/permissions. Minimalist, relatively low-rise, construction that avoids pastiche, competing massing, and is set back from the main Hall building are all sensible principles.

We are not making any substantive recommendations with regard to the built heritage. However, while the introduction of stone is to be welcomed, a darker hue (yellow-brown?) than is suggested by the images in the Supporting Design Statement would provide a stronger and distinctive contrast with the Hall, in keeping with the contrasting scale and lines of the revised proposal. A more balanced contrast between the surrounding residential development (brick) and the hotel would also be established in this regard (hue). Perhaps the drawings do not accurately depict the colour of the proposed stone, as the local sandstone would be darker.

The separation between Hall and hotel is maintained, though in a less obvious fashion on the south elevation than previously; and the move away from a modular structure, with more feeling for distinctive interest of the new development itself, is an improvement, without falling into pastiche.

#### Victorian Society

The paragraph numbers referred to in these comments have been updated to reflect the numbers in the NPPF December 2023.

Thank you for notifying the Victorian Society about this application. We object to the proposals and would like to offer our comments.

The principle of this development has already been approved under the hybrid application M/FP/1046/11/P, and no alterations are proposed to the historic fabric of Acklam Hall itself. The proposed new buildings, however, will strongly affect the setting of the Hall, and, depending on the details of their design, could cause a great deal of harm to the Hall's significance.

The consented and part-implemented hybrid application has already caused considerable harm to the significance of the Hall by almost entirely compromising its surviving landscape setting. The location of the residential areas to the east and west of the Hall is extremely insensitive, and their design is very poor. The harm caused by these developments has been compounded by the construction or at least retention of a large tarmac carpark immediately in front of the Hall, the impact of which is no longer softened by open land to either side. Whilst the renovation of the Hall itself and its new use as a venue for conferences and weddings have been positive developments, they have been achieved at a high cost to the building's setting; the details of any further development must be very carefully considered to minimise the harm to what remains.

#### Significance

Acklam Hall is a grand country house, built in the 17th century, altered in the 18th century, and extended in the 19th century. At the beginning of the 20th century W. H. Brierley undertook more extensive alteration and rebuilding works. Throughout this time, the Hall was characterised by its situation in open countryside, surrounded by parkland and then fields. The isolated setting of the Hall, in its own extensive and well-laid out grounds, was a defining characteristic of the building and a key component of its significance as a country house. This setting has been heavily compromised through the 20th century by the encroachment of residential developments on all sides and the erection of large buildings immediately next to the Hall in the second half of the century, when it was used as a school.



What remained of Acklam Hall's parkland setting was designated a conservation area in 1970 in order to protect it from further destruction.

Such destruction has nonetheless continued through the erection of new buildings and introduction of new hard landscaping. Both elements contribute to a drastic change of setting, which is not only about the intrusion of new buildings but also about the loss of the characteristic textures of parkland. Although the new roads, pavements, and car park associated with the recent developments might be argued to preserve the openness of the Hall's setting, they nonetheless compromise its character. The remaining elements of the Hall's parkland setting are hence all the more important for the preservation of some vestige of the building's defining historic character as a country house.

### Proposals

The present proposals are to erect a series of modular buildings to the east of the Hall, forming a rectangular courtyard, and to create a further car park in front of them. These buildings will replace a range of 1930s school buildings, which were demolished as part of the recent development and were themselves replacements for a historic range of service buildings arranged around a courtyard. Given the long historic precedent for buildings here we have no objection in principle to their replacement with modern equivalents. To minimise harm to the significance of the Hall, however, it is vital that the scale, form, and materials of new buildings in this location are carefully chosen.

With respect to overall scale, the proposals are acceptable. The buildings reflect the scale of both previous ranges, and are clearly subservient to the main house. The detailed massing is less convincing, however, and the explicit logic governing the dimensions of the principal bays of the proposed buildings can only be regarded as spurious. Taking a cue from the proportions of Brierley's dining room addition is in principle a reasonable approach, but cannot be taken seriously if done only partially. Brierley's addition is neo-classical, and reflects a concern for the proportions not only of the individual parts but also of their relations: the exact dimensions of the end bays are not meaningful in isolation, but must be related to the size of the bay between them. Simply reproducing the dimensions of these end bays with no regard to their spacing results in an extremely superficial relationship between the historic building and the proposed extension.

We also have concerns with respect to the proposed modular form more generally. No information has been provided about the form of the earlier service ranges, but it seems likely that they were strongly horizontal in character — long ranges under continuous roofs, articulated internally by dividing walls. The proposed highly visible and intense articulation, especially to the south, is clearly domestic in intent, and does not reflect the historic service function of this part of the estate. This sense of domesticity is emphasised by the proposed glazed enclosures to the front of each unit. The proposal to orient the southern and eastern ranges of modules facing outwards will hence further undermine the historic hierarchy of characters that the development in other ways recreates.

Moreover, this proposed orientation of some ranges of the units also undermines the chosen plan. It is an essential feature of courtyards that the surrounding structures address the space they enclose. To propose that two of the new ranges face outwards is to contradict the chosen arrangement on plan and to negate the efforts that have at least schematically been made to replace what has been lost. This enclosed character is not simply an abstract projection: it is marked in the survival of the gateway to the service yard which is to terminate

the western end of the new south range. The proposals serve to confuse the legibility of this gateway, and undermine its historic functioning, which will harm the significance of the Hall.

Our most serious concerns are with the proposed materials. The application provides very few details of the proposed materials, and no discussion of the process by which they were selected. A palette of concrete and timber battens is proposed, along with extensive glazing. The colour palette is to be 'pale/neutral ... so as to not overly dominate and detract from the Hall itself.' This is poor reasoning. There is nothing inherent to a 'pale/neutral' colour palette which will necessarily avoid dominating or detracting from the Hall; rather, it is the character of the immediate built context which will determine what material choices will be least intrusive. The recently completed Tees Valley Hospital building to the north east affords a clear demonstration of the point: its dominant material is pale render, and it dominates views to the east of Acklam Hall because it stands out so clearly in the context of red brick and greenery. The Hall itself offers clear and consistent material cues for additions: it is constructed in a warm red brick with mellow sandstone dressings. Given the subservient scale of the proposed buildings there is no reason that the use of such materials, or even just a similar colour palette, should detract from the Hall, if part of a thoughtful design.

Finally, we have serious concerns about the proposed car park. The open parkland character of the Hall's immediate setting has already been substantially lost; the creation of a new car park to the southeast of the dining room will destroy a large part of the remaining lawn. This will cause serious harm to the significance of the Hall through the loss of most of its remaining immediate parkland setting. The proposed planting of hedges does little to mitigate this harm: it will not serve to disguise the expanse of car park, and it does not clearly reflect any past historical arrangement. Few details have been given about the materiality of the proposed car park, but all indications are that it is to be asphalt or paving. The intrusion of such a large extent of hard landscaping so close to the Hall will cause further harm through the intrusion of such an uncompromising materiality, from which the retention of the central tree will not distract.

#### Policy and Advice

Whilst we accept the principle of the development and the broad parameters of its scale and layout, we have serious concerns about the qualities and quality of the design. What is proposed will cause harm to the significance of Acklam Hall by affecting its setting; the contribution made by the setting to significance has not been clearly articulated, nor has the harm been clearly and convincingly justified. The application thus fails to meet the requirements of the NPPF, paragraphs 200 and 206. Paragraph 208 should also be taken into account:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

Almost all the public benefits that will arise from this development are entailed by its principle, not its details: the creation of a hotel will plausibly secure the future of the events venue business, thus securing the future use and continued preservation of Acklam Hall. The only benefit gained purely from the physical presence of the building is that it will screen from view the new Tees Valley Hospital, which currently intrudes into the setting of Acklam Hall in views from the south; this benefit might well be negated if the design of the new buildings is itself intrusive. The current design proposals, taken in themselves, offer no public benefits: they are poorly developed and will cause harm to the significance of the listed

building, as outlined above. We therefore strongly urge your authority to refuse consent and to work with the applicants to develop a more sensitive design.

#### CPRE North Yorkshire

The paragraph numbers referred to in these comments have been updated to reflect the numbers in the NPPF December 2023.

CPRENY are aware that the applicant has considered the Council's Architectural Design Guide (2012) and as such follows the 'contemporary style' advocated within. However, CPRENY are of the opinion that the style of the proposed extension is too modern and bland in its modular form. The proposed material to the extensions and finished design aspects (i.e. timber batons to windows and doors) and the concrete finish to the buildings itself, do not sit sympathetically with the existing Hall. Whilst contemporary and historic elements often do sit well together it is thought that this is just too much of a clash of both styles at this specific location.

Furthermore the narrow courtyard design of the greenspace located between the two extensions is not aesthetically appealing or of sufficient green space to reflect the important heritage aspects attributed to the Listing and Conservation Area. It is also thought that a blank elevation would not be particularly attractive to future guests and is a missed opportunity for either living walls or the provision of natural light. The green roof element of the design, however, is welcomed by the charity.

National Planning Policy is very clear that proposals should demonstrate a measurable net gain in biodiversity (p185d) and the emerging Environment Bill is expected to set out a requirement for all proposals to achieve a net gain of 10% in biodiversity, which is already being rolled out as good practise across the country. Given the nature of the Conservation Area and landscaping associated with the proposal, it is considered that a minimum of 10% biodiversity net gain should be required to be demonstrated across the site.

This reserved matters application should deal with aspects of appearance, landscaping, layout and scale in accordance with the application form. CPRENY welcome the retention of the existing mature tree within the proposed car parking area. However, no detailed landscaping plan appears to have been submitted and the illustrations within the supporting Design Statement is not sufficient to be considered a 'landscaping plan'.

The Design Statement shows that the existing residential properties will be located some 21m from the nearest external wall to the proposed extension. The gardens for the residential properties however will be located much closer to the proposed extension. CPRENY would be concerned that second floor hotel guests would be able to look directly into residential living space and garden area and loss of privacy and residential amenity could become an issue.

In conclusion, CPRENY support the numerous residents who have expressed concerns about the proposals at this location in terms of imposing a detrimental impact on the character and heritage of the Grade 1 Listed Acklam Hall and the potential detrimental impact on residential amenity to existing residents adjacent to the proposed extension and as such endorse their objections.

As such CPRENY believe the proposals are contrary to MC Core Strategy Policy CS5 and DC1 alongside NPPF paras 185, 205, 206 and the Planning Act 1990.

Natural England

SUMMARY OF NATURAL ENGLAND'S ADVICE

OBJECTION – FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on the Teesmouth and Cleveland Coast Special Protection Area (SPA) & Ramsar site. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Nutrient mitigation strategy.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Context

Please refer to Natural England's overarching advice regarding nutrient neutrality dated 16th March 2022 and sent to all relevant Local Planning Authorities.

Appropriate assessment

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal, in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that your authority is not able to ascertain that the proposal will not result in adverse effects on the integrity of any of the European sites in question. Having considered the assessment, and taking account of the absence of mitigation measures to address adverse effects, Natural England concurs with this conclusion. Natural England advises that the proposal does not provide enough information and/or certainty to enable adverse effects on site integrity to be ruled out.

Regulation 63 states that a competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the European site, subject to the exceptional tests set out in regulation 64 of the Conservation of Habitats and Species Regulations 2017 (as amended). As the conclusion of your Habitats Regulations Assessment states that it cannot be ascertained that the proposal will not adversely affect the integrity of the European site, your authority cannot permit the proposal unless it passes the tests of regulation 64; that is that there are no alternatives and the proposal must be carried out for imperative reasons of overriding public interest.

Your authority may now wish to consider the exceptional tests set out within regulation 64.

Specific guidance about these tests can be found at:

<https://www.gov.uk/government/publications/habitats-and-wild-birds-directives-guidance-on-the-application-of-article-6-4>

Alternatively the applicant may wish to propose suitable mitigation in order to allow the Council to review its appropriate assessment. The following advice refers:

#### Additional Information required

We note that the applicant has submitted a Nutrient Neutrality Budget, but no Nutrient Mitigation Plan. Provided that your authority, as the competent authority, is assured and satisfied that the site areas used in the nutrient budget calculation are correct and that the existing and proposed land uses are appropriately precautionary, then Natural England raises no concerns with the nutrient budget. The HRA concludes that the development would generate 48.57 Kg TN/year pre-2030 and 17.33 Kg TN/year post-2030. No mitigation measures have been provided to deliver a nutrient neutral development.

Options to mitigate excess nutrients include, for example, taking land out of agricultural use and converting it to woodland for the lifetime of the development, or purchasing credits through the national Nutrient Mitigation Scheme.

The applicant should provide a nutrient mitigation strategy for the adverse impact of the 48.57 Kg TN/year pre-2030 and 17.33 Kg TN/year post-2030 gain created by their development on the Teesmouth and Cleveland Coast SPA & Ramsar site using one or other of the options described above.

We refer your authority to our letter (dated: 29/02/2024), which sets out the information required to enable Natural England to provide substantive advice on proposals for overnight accommodation in catchments that are sensitive to nutrient impacts. We attach a copy for reference in the Annex below.

#### Other advice

Further general advice on the protected species and other natural environment issues is provided at Annex B.

Should the developer wish to explore options for avoiding or mitigating the effects described above with Natural England, we advise they seek advice through our Discretionary Advice Service.

Should the proposal change, please consult us again.

#### Northern Gas

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by Northern Gas Networks in its role as a Licensed Gas Transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where Northern Gas Networks knows these they will be represented on the plans as a shaded area and/or a series of x's. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Northern Gas Networks, its agents or servants for any error or omission. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue.

Northern Powergrid

No response

Northumbrian Water

In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/services/developers/>

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have the following comments to make:

Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:

- Discharge into ground (infiltration)
- Discharge to a surface water body
- Discharge to a surface water sewer, highway drain, or another drainage system
- As a last resort, discharge to a combined sewer

Councillor Shiela Dean

In principle I am not against building a hotel as I can see that they will need accommodation to accommodate guests attending weddings and conferences etc. but amongst other reasons I think these plans are totally out of character with a grade 1 listed building.

---

## **PLANNING CONSIDERATION AND ASSESSMENT**

---

### **Background**

1. The medieval Hall, Acklam Grange was set within a moat (to the northeast of the present Hall), surrounded by the village, the Church of St Mary and the common and large open fields. In 1612 William Hustler rented Acklam Grange from Sir Francis Boynton, and it was not until the Hustlers acquired the grange that any significant development was carried out. The common and open fields around Acklam Grange were enclosed c.1640 and new farms and farmhouses created for the tenant farmers.
2. William Hustler III inherited the manor in 1671 and built the present Hall in c. 1683. To provide a suitable setting for the new Hall elaborate formal gardens were laid out with a long avenue of Lime and Fir trees to the south.

3. After changing hands through several descendants of the Hustler family the Hall was inherited by Thomas Hustler III in 1802. The Hall's external façade was entirely redone, altered and restored in about 1845. The Hall remained in the ownership of the Hustler family until 1928 when the then inheritor, Mostyn sold the Hall and 40 acres of land to Middlesbrough Corporation.
4. The sale of the Hall and adjoining land released large areas of land suitable for development. By 192+ the character of Acklam had begun to change with the erection of semi-detached housing on the south side of Hall Drive and to the northeast of the north wood. The Corporation had purchased the Hall in 1928 but it was not until 1935, after alterations and extensions to the building that it re-opened as a boys' secondary grammar school.
5. In 1951 the Hall was given grade I listed status as a building of special architectural or historic interest. Although some reference is made to the historical importance of the site the listing tends to focus on the architectural importance of the building.
6. Up until the start of the war in 1939, there was a rapid expansion in house building. A new teaching block and assembly Hall was added to the west of the Main Hall. By the 1960's Acklam had begun to lose its character as a village and had become a suburb of Middlesbrough. The moat was infilled for safety reasons and sports pitches were established in the Hall grounds.
7. In the late 1960's, the grammar school merged with Kirby Grammer School in Linthorpe, to become Acklam High School. Associated with this sub-division, two new teaching blocks were erected to the south of the Hall, and an island was created in the centre of the pond.
8. In 1970 the site was designated as a Conservation Area. In 1989, one of the new teaching blocks was demolished following a serious fire.
9. The entire site, including the grounds, remained in Council ownership until 1995 when the Hall, sixth form buildings and open spaces to the west and south were transferred to Middlesbrough College. Middlesbrough Council retained considerable ownership interest in the Acklam Hall complex including the eastern courtyard buildings; walled garden; sports Hall and playing field to the north; and woodland to the east.
10. In 2008 Middlesbrough College relocated to a single campus at Middlehaven and consequently an appropriate new use needed to be found for Acklam Hall, with the College and Council agreeing to jointly sell the site. Following the relocation of the College the site was vacant and the Hall deteriorated, aided by the theft of lead from the roof and rainwater down pipes. There were also a number of arson attempts in relation to the eastern courtyard. The Hall was placed on the Heritage at Risk Register.
11. In 2012 a hybrid application was approved at the site for full planning permission for residential dwellings to the east and west and a doctors surgery to the north of the eastern courtyard. Outline consent was given for improvements/restoration of the

Hall and its grounds, conversion and extension of the Hall, a nursing home to the northeast, landscaping works to the wider site, access and parking.

12. Subsequent permissions varied the housetypes and gave full planning consent for the use of the Hall as a restaurant with offices, conference, wedding and function venue, a bedroom associated with the function rooms and a deli and flower shop. Permission was also given for the necessary repairs to the Hall, the access road from Hall Drive, the car park at the front of the Hall to be relocated and for landscaping in the immediate grounds and wider setting.
13. More recently planning permission was given for a hospital to the northeast of the Hall, in the location where the original hybrid application gave outline consent identified a care home.
14. This application seeks reserved matters consent for the erection of a hotel, with a spa to the east of the Hall. The works include the retention of the existing car park at the front of the Hall and an additional car park to the front of the hotel.
15. During the application process a revised scheme was received. The revised details made a number of changes to the proposed development including changes to the design, appearance, layout and scale. The changes increased the number of proposed rooms from 48 to 55 and included the creation of a basement to incorporate a spa.

### **Principle of Development**

16. The application site is located on land allocated for residential development in the Housing Local Plan and is also within the Acklam Hall Conservation Area. The principle of hotel use was established through the hybrid planning application M/FP/1046/11/P with a hotel being listed as one of the potential uses of the Hall. The hybrid application did not establish an end use for the proposed eastern extension to the Hall.
17. Policy CS4 requires all development to contribute to achieving sustainable development. This includes being located so that services are accessible and sustainable transport is encouraged; making efficient use of land, prioritising previously developed land; protecting and enhancing Middlesbrough's historic heritage and townscape character and delivering development of a high quality design that improves the quality of the townscape.
18. Policy CS5 requires all development to demonstrate high quality of design in terms of layout, form and contribution to the character and appearance of the area. The requirements of the Policy include that development is well integrated with the immediate and wider context; the preservation or enhancement of the character of conservation areas and safeguarding buildings identified as being of special historic or architectural interest and ensuring that any adaptation or reuse is undertaken sympathetically and protects and where possible enhances the special character of the building. The application will be assessed in relation to the impact of the proposals on Grade I the Acklam Hall and the wider Acklam Hall Conservation Area.



19. Policy DC1 requires that the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials will be of high quality and that the effect upon amenities of nearby properties will be minimal.
20. Consideration should be given to whether the proposed design of the building would integrate well with its context and preserve or enhance the character of the conservation area and the Grade I Listed Acklam Hall.

### **Highways**

21. Development proposals seek consent for erection of 55 bed hotel and spa with ancillary works adjacent to Acklam Hall. The outline consent to which this reserved matters consent applies considered a number of potential land uses within the Hall and in a new building adjacent to the Hall. This outline consent was supported by a Transport Assessment and established that a singular car park was to be provided to support the proposed development. Significant emphasis within this supporting document was also made to the production of a site wide Travel Plan and promotion of sustainable travel.
22. The approach taken to the reserved matters application seeks to retain the existing large car park to the front of Acklam Hall, whilst also creating a new 56 space car park to serve the proposed new building. This approach results in an increase in traffic associated with the increase in car parking that has not previously been assessed. In addition no details nor justification, other than to say that the existing car park is often full, have been provided to demonstrate why the additional car parking is required nor that the level of such provision is reasonable and necessary. This has to be considered in the context of sustainable travel aims and the design/layout of the scheme.
23. Even when assessing the proposed car park which is to serve the hotel, the level of provision is significantly greater than that required in the Tees Valley Highway Design Guide. As the hotel and spa have no food/beverage facilities it is clear that the proposed development is to act as an ancillary offer to existing uses within Acklam Hall. This interdependency will further reduce potential car parking demand owing to linked trips. Assessing each land use in isolation without taking this into account will result in an over provision of car parking and would not be representative of the way in which the site could be expected to operate.
24. Cycle provision is poorly designed and located, being on the edge of the car park, remote to the main building entrance and with no connecting infrastructure. No assessment of the likely level of need/demand nor assessment against relevant standards has been submitted.
25. Development proposals result in car based development contrary to local and national policy and any justification or evidence base to support the level of parking provision have not been provided. The Local Highway Authority have therefore objected to the development.
26. In response to requests for the justification of the additional parking proposed the agent has simply stated "the existing car park often operates at capacity particularly

during events and the additional car park (already consented) at the front of the hotel is needed to service that. Happy however to have a further discussion on this.”

27. Whilst they state that the additional car park is “already consented” they fail to acknowledge that the consent also removes the existing car park and replaces it with soft landscaping. As a result, whilst car parking has been approved in the location shown to the south of the proposed hotel, the combination of the existing parking being retained, and additional parking being constructed has not been approved.

#### Pedestrian Links

28. The original applications at the site sought to provide pedestrian links from the south of the site to the north. An existing link in the eastern woodland was to be retained and links were proposed through the residential estate on the west, and through the future car park and landscaping to the east between the extension (to replace the previous eastern courtyard building) and the housing to the east.
29. The woodland link remains in place and a pedestrian link is located through the residential streets to the west. Initially this development sought to provide a pedestrian link between the existing residential dwellings to the east and the proposed building and car park. There are a number of issues with the proposed link. The development proposes a pedestrian path from Hustlers Way immediately adjacent to the rear boundary of residential properties, into the proposed car park connecting to a path which goes around the car park and proposed hotel building. To the north of the car park the link is located in a small landscaped area between the hotel and residential dwellings heading towards the northern part of the wider Acklam Hall site.
30. The proposed footpath from the car park to Hustlers Way, located immediately adjacent to the housing, is in line with the masterplan submitted in the original hybrid application. This footpath link originally mirrored a link located to the rear of dwellings to the west of the Hall where a path led to the formal gardens and to St Mary’s Church. Changes on the western part of the site and the formal gardens removed the footpath link. A hedgerow is now in place which in part screens the car park but also provides a soft green barrier to the Hall and identifies where the wider landscaped setting becomes the more immediate landscaped setting for the Hall. Removing part of the hedge to create a footpath link to the proposed development will break this attractive landscape feature and will remove the current landscape symmetry of the site. It is the planning view that the link would be better retained through a shared space for vehicles and pedestrians making use of the central access point, as is currently the arrangement.
31. During the application process it was established that the applicant does not own some of the land to the north where the pedestrian link was proposed. Revised plans were submitted with a revised red line boundary and a path that stops at the red line. As a result a formal link has not been secured. The north/south links therefore remain as existing with a paved route through the residential dwellings to the west and a more informal route through the woodland to the east.

32. In this instance it would be better to remove the formal link completely and landscape the area. Any pedestrians and cyclists would then need to utilise the existing links to access the north of the site.
33. As a result of the above, the proposed development is considered to be in conflict with policies CS4 and DC1 of the local plan, and paragraphs 114 and 116 of the NPPF in relation to the excessive parking provision that promotes car journeys rather than sustainable travel options.

### Heritage

34. Due to the historic significance of the site and the grade I listed building it is necessary to be mindful of the statutory responsibilities set out in s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### Significance

35. It is clear from the information within the NPPF that significance is a key factor relating to the development of any historic asset. The Acklam Hall Conservation Plan contains an assessment of significance of the site. It identifies buildings and views of high and moderate significance. Buildings of high significance include St Mary's church and the Hall (the main building built in the late 17th century and early 20th century). The mid-19th century and early 20th century additions were skilfully done and the Hall has retained much of its original classical architectural character, in contrast to many from this age that were either rebuilt or refaced. It is a rare survival whose elegance makes it one of the architectural jewels of the region. It is a grade I listed building (in the top 2.5% of all listed buildings in England), the only one in Middlesbrough and is the key feature of the Acklam Conservation Area.
36. Recent housing development to the east and west has an impact on the historic sense of the Hall being a stately home set apart from its surroundings but the space around the Hall freed up by the removal of extensions to the east and west of the Hall have opened up views that were unseen for many years, and land to the front remains key to maintaining a setting fitting to a building of this architectural quality, as well as forming a key aspect of the character of the Conservation Area.
37. The views of the Hall from the south (Hall Drive) looking across the open space are identified as of high significance, as are those to the church spire from the south. Those views of moderate significance include the views at roof top level of the rear of the Hall from the north across the open space.
38. The areas of high historic landscape significance are identified as the parkland to the front of the Hall and the woodland around the site.
39. The previous extensions located to the east and west of the Hall were identified as being of moderate significance however these were removed as part of the wider redevelopment of the site. The western extension was removed to enable

landscaped gardens creating a buffer between the housing and the Hall. The eastern extension was removed due to its dilapidated condition and antisocial behaviour including theft of materials and numerous arson attempts that put the Hall at immediate risk.

40. The previous hybrid application considered the impact of a replacement extension to the east of the Hall on the significance of the Hall. However, the extension was considered in outline only and therefore the impact on the significance of the Hall and the Conservation Area was only assessed in relation to the limited information available, namely the scale/height, volume and footprint. Permission was granted in outline on that basis.
41. This applications seeks reserved matters consent for the building in detail including its design, appearance and use. The application also seeks to increase the parking provision at the site altering the approved parking located to the south of the proposed hotel whilst retaining the existing parking located to the south of the Hall which was to be removed in line with previous permissions at the site.

#### Impact

42. The revised scheme presents a building which is more in keeping with the design code approved as part of the original hybrid application at the site. The design code promotes the use of contemporary architecture adjoining historic buildings of high architectural quality. This is an established practice as it provides clear juxtaposition between different periods of building and helps to tell the story throughout time. Whilst this practice is established it creates a difficult design challenge. In order to maintain and enhance the special architectural and historic character of a listed building, the design must be of a suitable high quality.
43. Following consultation with the Conservation Officer and Historic England, it is considered that, whilst the revised scheme is an improvement over the original proposal it fails to meet the high quality requirements for a building in the location proposed located immediately adjacent to the Hall, and part of the landscape setting and views of high significance from the south of the Hall. The use of design features including the bay windowed rooms, historic gables and semi-blind row of tall 'carriage' arches results in an uncoordinated, mismatched development with references that do not work well together.
44. It is noted that the revised scheme does take cues from the Hall itself with the proportion of the bay windows reflecting the window arrangement of the Hall. The full height of the bay windows results in a definite vertical emphasis and rhythm to the south elevation. This strong feature used along the full width of the proposed building, which is significantly wider than the Hall itself, competes with the Hall and dominates its appearance rather than being a subservient addition. The proposed hotel will be conspicuous in its appearance in relation to the Hall rather than harmonious with it.
45. A building that is in broad accordance with the parameters set in the outline approval does not automatically result in a building that is successful and acceptable in relation to design and the impact on the heritage asset. The building must be totally subservient to the Hall. The revised scheme is an improvement in terms of the

design over the original scheme but the improvement gained is not of sufficient quality to sit alongside the Hall.

46. The proposed development also seeks to retain the existing car park while introducing parking at the front of the proposed hotel. Rather than removing the parking at the front of the Hall when parking to the east is constructed (in line with previous approvals at the site). Relocating the car parking to the new area to the front of the proposed hotel and removing the existing parking would help in creating a sense of dignity to the front of the Hall, that historically would have been the case, as well as improving the historic view to and from the treelined avenue to the south which is of high significance. The proposed inclusion of two car parks at the front of the Hall and the proposed hotel results in a distracting clutter of car parking which harms the setting of the listed building and the character and appearance of the conservation area.
47. The submitted heritage impact assessment fails to take into account the cumulative impact of the additional proposed parking at the site together with the retention of the existing parking on the heritage asset.
48. The NPPF and policies CS4 and CS5 of the Local Plan require development to take opportunities to enhance the character and appearance of heritage assets, improving character and quality in a way that is sympathetic to local character and history. Planning authorities should look for opportunities for new developments within the setting of a heritage asset, to enhance or better reveal their significance.
49. It is the planning view that the proposed development will result in harm to the significance of Acklam Hall and the conservation area it sits within through a development that lacks subservience and would detract from the Hall's strong visual quality. The level of harm would be moderate, equivalent to 'less than substantial'.

#### Benefits of Proposed Development

50. When assessing impact on heritage assets greater weight is given to the conservation of designated heritage assets and the more important the asset the greater the weight. Acklam Hall is a grade I listed building and therefore its conservation carries greater weight and is given the highest priority. The NPPF requires any assessment of impact on a heritage asset to be considered in respect of clear and convincing justification for harm to heritage significance in terms of public benefits.
51. The heritage statement submitted with the application lists the public benefits of the proposed development. It states that the benefits "arise from those already established through the granting of the previous consent (significant improvement to the setting of the Hall from the demolition of the unsympathetic extensions) and continue to include the implementation of the whole scheme, the ongoing maintenance and repair of the listed building, the screening of development to the rear and contribution to the local economy through expansion of the tourism and business offer".
52. In relation to the screening of development to the rear. No development has currently taken place and there are conditions in place to secure appropriate

screening of the development should it occur before any development has been carried out in the location of the current application for the hotel. It is the planning view that the public benefit more from the current arrangement at the site and the setting of the Hall, than they would from the erection of a hotel which is not considered to be of suitable quality in terms of the visual appearance and will result in harm to the setting of the listed building.

53. It is noted that the agent has stressed that a hotel and spa is required to support the function use of the Hall, and they have submitted a statement in relation to this. The economic benefits of a hotel and a spa in this location are understood and the long term sustainability of the Hall is a key factor. It is also noted that a hotel and spa in this location will provide some benefit to the public. However, the information that has been submitted in support of the economic benefit is limited and does not provide any detailed financial assessments in relation to the current use and operation of the Hall, or the future financial benefits of the hotel and spa.
54. The submitted statement simply states that the hotel will increase the use of the function rooms currently available to be hired within the Hall itself which are not being hired to capacity. It sets out what those capacities are and the total capacity for the year if all rooms were booked to capacity every day for the entire year, comparing it with a 10 month period in 2023. It then goes on to state that a spa is a vital element to ensure the viability of the hotel which in turn is vital to support the viability of the Hall.
55. On balance, the economic and public benefits of the scheme do not outweigh the harm that the proposed development will have on the heritage asset. The proposed development is not considered to be the right solution. It seeks to maximise development on the site in terms of volume and number of rooms, and the submitted statements in support do not provide clear and convincing justification that outweighs the harm from the development. The planning authority consider that there are likely to be ways that public benefit could be achieved through better design and this undermines any justification on these lines.
56. For the reasons detailed above, the proposed development is considered to result in harm to the significance of the heritage assets in conflict with local plan policies CS4 and CS5, and paragraphs 135, 203, 205, 206, 208 and 212 of the NPPF.

### **Archaeology**

57. The development will not have an impact on the remains of the moat however there is potential for eighteenth century or earlier building remains and/or artefacts to be found at the site during the construction works. As a result, if the development is approved, a condition requiring an Archaeological Written Statement of Investigation is required. The WSI would specify the requirements of an archaeological watching brief/monitoring to observe excavations below 300mm in order to record any findings.
58. The agent has questioned whether this is necessary as the area of the proposed development included buildings which were demolished in 2015 and has therefore seen significant disturbance. It is the planning view that this does not completely remove the potential for archaeological findings, and the inclusion of a basement spa

in the revised scheme, which will require more excavation works, increases the need for a WSI and watching brief.

59. Subject to a relevant condition, the proposed development is considered to be in accordance with the requirements of policy CS4 in this regard.

### **Design/Scale/Layout**

60. The agent has stated that the revised scheme fully complies with the parameters established by the outline consent and that the development is of significantly higher quality than envisaged at the outline stage.
61. The outline consent approved the principle of an extension to the east of the Hall, in the location of the previous eastern courtyard. The outline consent set out key principles any extension to the Hall would need to meet including the location in terms of the separation distances to surrounding properties, the scale of development and limits to the height and volume (including the retention of a courtyard). The approved Architectural Design Guide clearly states that the volume of the building should not be seen to compete in any way with the Hall. The limits to the height of the extension clearly specify that the extension should not exceed the height of the existing Brierley extension (located on the southeast corner of the Hall). The parameters established in the outline consent are maximums that must not be exceeded. However, it would be possible to develop below these thresholds. This does not include separation distances which must be met or exceeded and the retention of a courtyard.
62. The scale of the proposed extension is broadly in keeping with the approved parameters however it is noted that part of the feature gable elements are higher than the Brierley extension. In order for the extension to be fully in accordance with the approved principles set out in the outline extension, whilst retaining the design feature the overall height of the extension would need to be reduced. However the application seeks to maximise the volume of the extension with no compromise, rather than design an extension which is subservient to the Hall. This is demonstrated by the inclusion of a basement in the revised plans to accommodate a spa increasing the overall volume of the proposed development. Prior to the submission of the revised details which introduced the basement level, discussion had taken place regarding the increased volume of the proposed building and the loss or significant reduction of the courtyard to accommodate a spa. This was considered to be wholly inappropriate and the applicant was advised against it. Subsequently the basement level was proposed to accommodate the spa.
63. The scale of the proposed building is broadly in accordance with the outline consent in terms of height (notwithstanding the elements on the gable features that project above the maximum height set out in the outline approval) which in turn reflected the height of the eastern courtyard previously located at the site. However, the eastern courtyard was more subservient in its design. The roofslope and modest design significantly reduced the appearance of the building in relation to the Hall. The design of the proposed hotel is bulky and dominating in its appearance.
64. The hotel includes a glazed entrance to the south which is screened from wider views due to its location behind the existing archway. To the north there is also a

large double height glazed section located to the west of the northern elevation which contrasts with the rear of the Hall and the stone elevation with 'carriage' arches proposed. The northern elevation is of less significance than the southern elevation and the large glazed section as proposed is not considered to result in significant harm to the listed building.

65. The design of the proposed building has been discussed in detail in the Heritage section of this report. It is not intended to repeat the analysis within this section. The design of the proposed building is not of sufficient high quality to warrant approval of the development in the immediate grounds of the grade I listed building. It is not subservient to the Hall and will dominate key views across the wider site resulting in harm to the character and appearance of the area.
66. The proposed development includes a number of retaining walls and hedges to account for the changes in levels across the site with land at the south of the site being higher than land towards the north of the site. The most significant retaining wall is located to the north of the site and spans the length of the proposed hotel with a change in ground levels of approximately 1.2m at its highest point. If this application is approved it will be necessary to include a condition that requires the full details and specifications of the retaining features on site to be approved prior to the commencement of development to ensure they are of a suitable design and quality that will not harm the setting of the listed building or the visual amenity of the conservation area.
67. The proposed car park surrounds a large tree on the site which plays a significant role in the landscape setting. Concerns have been raised regarding harm to this tree during the construction and use of the car park. It is noted that the car park will be constructed around the tree with no excavations taking place resulting in the car park being at a higher level. This will result in the car park having more of a visual impact in relation to the setting of the Hall.
68. The construction of the car park will require adequate surface water drainage which will not result in harm to the tree. The materials for the car park will also play a significant role in drainage, protection of the tree and the landscape setting of the Hall. The planning officer sought some narrative from the applicant/agent in relation to the construction of the car park and the materials proposed to ensure there is no harm to the tree or the heritage asset. In response the agent stated "A car park in this location has already been granted planning permission under a previous reserved matters approval and none of these issues were raised. However, these matters could be controlled by condition on the reserved matters approval."
69. Whilst a car park has previously been approved in the proposed location, a greater level of detail in relation to the proposed surface materials and construction method were submitted as part of the application. The approved car park also included large landscaped areas within the car park around the existing trees. The current application does not provide any details in this regard and does not include any landscaped areas. Whilst this can be controlled by condition, the protection of the remaining tree in this area is of significant importance and it is considered necessary to understand the impact the proposed car park will have on this tree.



70. As discussed in the highways and heritage sections of this report. The large amount of parking proposed is considered to be detrimental to the wider setting of the Hall. The excessive parking provision will result in cars dominating the front of the Hall and the key views from Hall Drive.
71. The proposed development is considered to be in conflict with policies CS4 and CS5 of the local plan.

### **Amenity**

72. The outline application set some parameters for the development including a 24m separation distance between the proposed development and the housing located to the east. The revised scheme increased the separation distance from approximately 21m (which did not comply with the outline consent) to in excess of 24m which is in accordance with the outline consent. The distance is measured from the original rear elevation of the dwellings and does not take into account any ground floor extensions that residents have erected. The ground floor extensions are screened by the dwellings existing rear boundary treatments.
73. A number of residents from Hustlers Way have objected to the development due to impacts on their privacy. The proposed hotel will result in six bedrooms overlooking 3 residential properties. As detailed above the separation distances are in line with the outline consent. Whilst there will be some overlooking the distances are considered to be acceptable and will not result in significant harm to the privacy of residents. The separation distances are greater than the guidance set out in the Urban Design SPD which relates to residential dwellings. It is acknowledged that the proposed development is for a hotel rather than a dwelling but it is considered that the impact of the proposed use is mitigated against by the increased separation distance above the guidance.
74. Due to the location of the extension to the west of residential properties, and due to the large separation distance. The development will not have an impact on sunlight to the residential properties and will not result in overshadowing of the properties.
75. The proposed hotel and spa does not include any function rooms within the building, any function rooms are existing spaces within the Hall itself and the associated noise from the use of those rooms has been assessed as part of previous applications and will not change as a result of the proposed development. If this application is approved it will be necessary to include conditions requiring a noise assessment to be carried out to specifically assess the impact of the proposed hotel rooms on the adjacent residential properties. The assessment will need to identify the noise that will be generated and set out any necessary mitigation to prevent a noise impact on the residential properties.
76. The use of the car park will result in some noise from persons visiting the hotel. However, it is considered that the majority of the movements will be during daytime hours with persons visiting the premises for use of the spa or to check into the hotel, and therefore there is unlikely to be a significant increase in noise during night time hours when residents would reasonably expect lower levels of noise.

77. Residents have also raised concerns regarding increased antisocial behaviour and crime as a result of the proposed development. The application has been considered by the Police Architectural Liaison Officer in relation to secured by design. No specific objection was raised in relation to levels of crime or antisocial behaviour. The site is currently open space at the side of the Hall and to the rear of residential dwellings. The use of the Hall does not require overnight staff and therefore a lack of surveillance outside of opening hours provides opportunities for antisocial behaviour. The erection of a hotel in this location will result in staff being present overnight and therefore increased surveillance and reduced opportunities for crime and antisocial behaviour.
78. As a result of the above, it is considered that the proposed development will not have a significant detrimental impact on the amenity of residents in accordance with the requirements of policy DC1 of the local plan.

### **Flood Risk**

79. The impact of flood risk has been considered as part of the original hybrid application. The site is located within flood zone 1 which has low probability of flooding from rivers and the sea. To prevent increased risk from surface water as a result of the proposed development conditions are required to require full details of a sustainable urban drainage scheme to be considered prior to the commencement of development in line with comments from the Local Flood Authority.
80. The proposed development is considered to be in accordance with the requirements of policy CS4 of the local plan.

### **Ecology/Landscaping**

81. The site is currently open green space with grass. This is not considered to be of high value in terms of biodiversity. However, the large tree on the site located within the proposed car park will have some ecological value. It is noted that a number of residents have commented that bats roost in the tree and forage in the surrounding area. It is noted that this application is for reserved matters with impacts on ecology assessed as part of the previous hybrid application.
82. However, it should be noted that the developer is required to abide by separate legislation outside planning legislation including legislation in relation to protected species and the Wildlife and Countryside Act.
83. The original scheme was designed with a flat roof which incorporated a green roof. This was commended and the planning officer noted that the incorporation of green living walls could be a benefit in terms of its visual appearance. There would also be an increased opportunity for biodiversity as a result. The revised scheme has been designed with some pitched roofs however the majority of the roof remains flat. Despite this the green roofs have been removed with the agent stating that "following the design review these have been removed as a pitched roof is proposed for design reasons which is not suitable for a green roof". The design does not seek to incorporate any green living walls. This is considered to be a lost opportunity to enhance biodiversity on the site and the quality of the development.

84. The proposed development incorporates some small landscaped areas around the edge of the car park and hotel, and within the courtyard of the hotel. The inclusion of planting and hedgerows in these areas will soften the visual appearance of the area and provide some opportunities for wildlife.
85. If approved full details of the landscaping, including their management and maintenance, will be required by condition.
86. The proposed development is considered to be in accordance with the requirements of policy CS4 of the local plan.

### **Nutrient Neutrality**

87. Nutrient neutrality relates to the impact of new development on the Teesmouth and Cleveland Coast Special Protection Area (and Ramsar Site) (SPA) which Natural England now consider to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the SPA. It is understood that this has arisen from developments and operations which discharge or result in nitrogen into the catchment of the River Tees. Whilst it is understood that this will include farming activities and discharge from sewage treatment works, it also relates to waste water from development. New development therefore has the ability to exacerbate / add to this impact. Natural England has advised that only development featuring overnight stays (houses, student accommodation, hotels etc) should be deemed to be in scope for considering this impact although this is generic advice and Natural England have since advised that other development where there is notable new daytime use such as a new motorway service area or similar could also be deemed to have an impact which may require mitigating. As with all planning applications, each has to be considered on its own merits. Furthermore, it is recognised as being particularly difficult if not impossible to accurately define a precise impact from development in relation to nutrient neutrality given the scale of other influences. Notwithstanding this, the LPA need to determine applications whilst taking into account all relevant material planning considerations.
88. The Local Planning Authority must consider the nutrient impacts of any development within the SPA catchment area which is considered to be 'in-scope development' and whether any impacts may have an adverse effect on its integrity that requires mitigation. If mitigation is required it will be necessary to secure it as part of the application decision unless there is a clear justification on material planning grounds to do otherwise.
89. In-scope development includes new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). This is not an exhaustive list. It also includes agriculture and industrial development that has the potential to release additional nitrogen and / or phosphorous into the system. Other types of business or commercial development, not involving overnight accommodation, will generally not be in-scope unless they have other (non-sewerage) water quality implications.
90. Following the completion of a Habitat Regulation Assessment this development is considered to be in scope and has been put through the Teesmouth Nutrient Budget

Calculator which established the total annual nitrogen load the development must mitigate against.

91. For the proposed development to be considered acceptable it is necessary for the applicant to demonstrate that they are capable of mitigating the impacts of the development. The agent has sought to argue that the proposed development is not in scope as it is for reserved matters, and because drainage has previously been approved on the site through the outline consent, and therefore no mitigation is required. This is not the view of the planning authority. The outline consent approved the principle of an extension, it did not specifically give consent for a hotel or specify the number of bedrooms proposed. The outline consent also did not approve a drainage scheme for the site, it imposed conditions to be discharged. Neither of these factors alter the requirement for nutrient neutrality mitigation at this stage. Despite being informed that hotel accommodation is in scope, to date the applicant has not provided any details of potential mitigation measures. In more recent correspondence they have stated "it is not possible to purchase credits for schemes which are not residential (this was clarified by Natural England at a recent seminar) so we are struggling to find a solution".
92. As the competent authority we consider the proposed development to be within scope. The proposed development will have an unacceptable impact in terms of nitrate generation/pollution and as the applicant has been unable to demonstrate any mitigation the scheme will have a Likely Significant Effect. On this basis the scheme is considered to be unacceptable.

### **Other Matters**

93. The agent has stressed that the hotel has been designed by an award winning architects. Whilst this is noted, it has no bearing on the analysis of the development and does not alter the opinion of the planning authority in relation to the assessment of the design of the building.
94. A number of comments raised by residents are not material planning considerations and therefore cannot be considered as part of the analysis of this application. They include but are not limited to, memories of the site, impact on property value, noise and disruption during construction, residents maintenance charges, residents weren't told when they purchased their houses; and, residents haven't been consulted.

### **Conclusion**

95. During the application process the planning authority made it clear that all matters raised in the officers comments must be responded to, in detail, with clear justification and any revised scheme must resolve all the issues.
96. Whilst improvements were made in relation to the scale of the development (increasing the separation distance to the existing residential properties) and the design of the building. The changes did not go far enough to remove the concerns raised by Historic England, the Conservation Officer, or the planning authority.
97. The development is considered to result in harm to the significance of the heritage asset, namely Acklam Hall, a grade I listed building and its setting, and the Acklam

Conservation area. The proposed development lacks subservience and will dominate views of the hall by virtue of its design and appearance. The scale and massing, whilst in broad accordance with the outline consent, appears incongruous as a result of the bulky design. The excessive levels of parking detract from the setting of the Hall and harm the visual appearance of the area. On balance, the economic and public benefits of the development are not considered to outweigh the harm caused to the heritage assets. Objections have been received from Historic England and the Conservation Officer in this regard.

98. The revised details also failed to respond to the issues raised by the Local Highway Authority in relation to excessive parking provision and failed to provide any mitigation in relation to nutrient neutrality. This resulted in objections from the Local Highway Authority and Natural England respectively.
99. The proposed development is considered to be in conflict with local plan policies CS4, CS5 and DC1, and paragraphs 114, 116, 135, 203, 205, 206, 208 and 212 of the NPPF.
100. As a result the application is recommended for refusal.

---

## RECOMMENDATIONS AND CONDITIONS

---

### Refuse

#### 1. Design and Heritage Impact

The development is considered to result in harm to the significance of the heritage asset, namely Acklam Hall, a grade I listed building and its setting, and the Acklam Conservation area. The proposed development lacks subservience and will dominate views of the hall by virtue of its design and appearance. The scale and massing, whilst in broad accordance with the outline consent, appear incongruous as a result of the bulky design. The excessive levels of parking detract from the setting of the Hall and harm the visual appearance of the area. The development will result in a detrimental impact on views of high significance from Hall Drive across the parkland setting towards the Hall. The level of harm would be moderate, equivalent to 'less than substantial'. On balance, the economic and public benefits of the development are not considered to outweigh the harm caused to the heritage assets. The proposed development is considered to be in conflict with local plan policies CS4 and CS5, and paragraphs, 135, 203, 205, 206, 208 and 212 of the NPPF.

#### 2. Excessive Parking Provision and Failure to Provide and Promote Sustainable Travel Options

The increased parking provision at the site is in excess of the requirements set out in the Tees Valley Highway Design Guide. No details or assessment have been submitted to provide any clear justification for the increased parking provision. The excessive levels of parking promotes car journeys to the site rather than promoting sustainable travel options for visitors as an alternative to private car journeys. This is contrary to local planning policies DC1 and CS4, and national transportation and planning policy and guidance in the NPPF paragraphs 114 and 116.

**3. Nutrient Neutrality Not Achieved**

The proposal would result in an increase in population and a consequential increase in wastewater and nutrients (specifically nitrogen) entering into the drainage system which would, in turn, add to existing nutrient burdens within the River Tees. Unmitigated, this proposal would have an adverse impact on the Teesmouth and Cleveland Coast Special Protection Area, which would be contrary to Local Plan Policies CS4 (j) and DC1 (a) and the NPPF and would fail to meet the legal requirements of the Conservation of Species and Habitat Regulations 2017.

---

**INFORMATIVES**

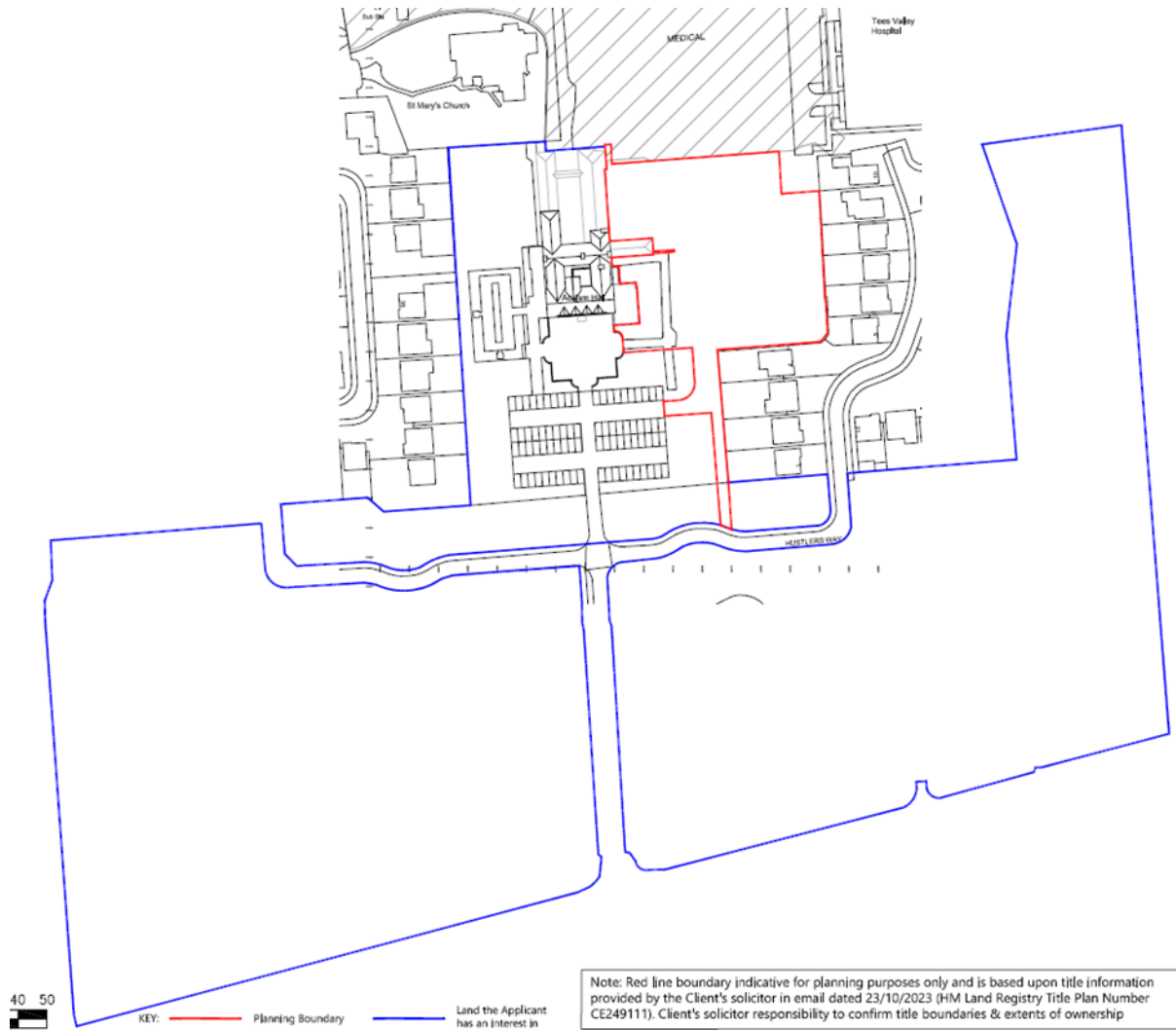
---

N/A

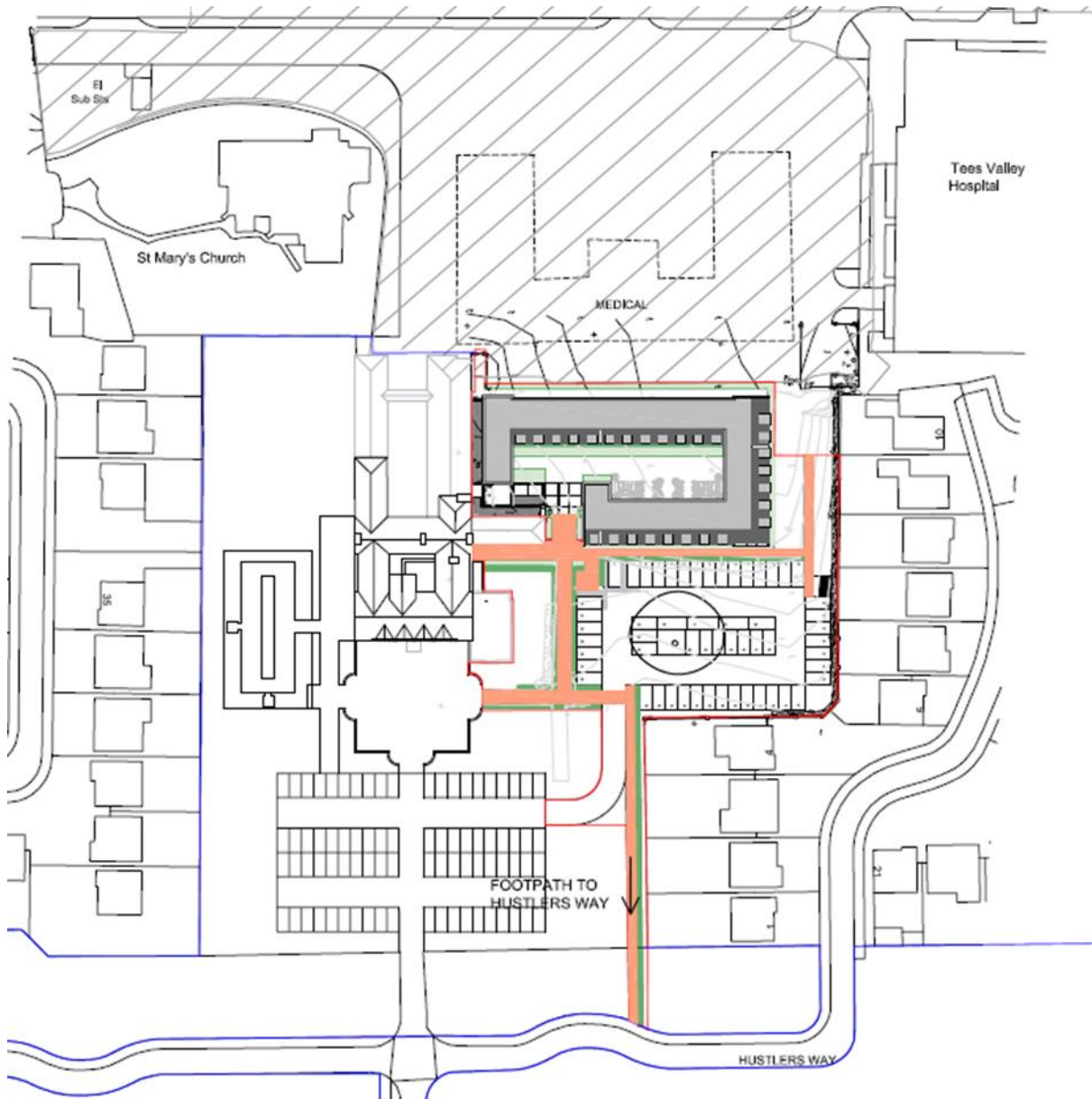
Case Officer: Shelly Pearman

Committee Date: 6<sup>th</sup> June 2024

Location Plan



**Proposed Site Plan**





Proposed Elevations



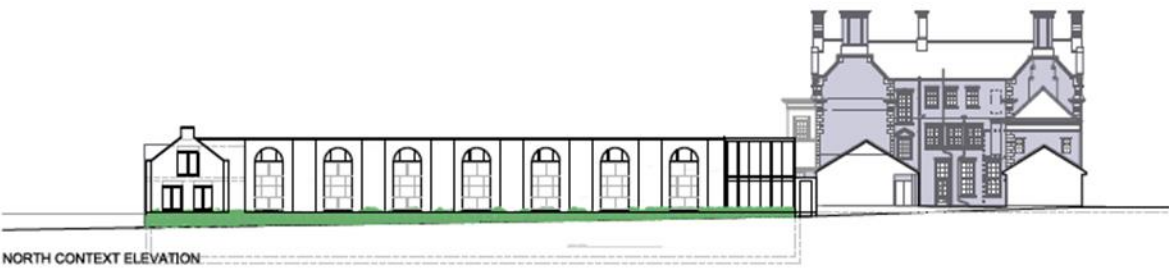
SOUTH CONTEXT ELEVATION



SOUTH CONTEXT SECTIONAL ELEVATION



EAST CONTEXT ELEVATION



NORTH CONTEXT ELEVATION

