

---

**APPLICATION DETAILS**

---

<b>Application No:</b>	24/0164/FUL
<b>Location:</b>	The Avenue Play Area, The Avenue, Middlesbrough, TS7 0AG
<b>Proposal:</b>	Installation of play equipment
<b>Applicant:</b>	Middlesbrough Council
<b>Ward:</b>	Nunthorpe
<b>Recommendation:</b>	Approve Conditionally

---

**SUMMARY**

---

The application seeks planning approval to install additional play equipment at The Avenue Play Park in Nunthorpe. Additional equipment will include a Children's Trim Trail, consisting of 7 individual play items and step posts. Two additional lamp columns are also proposed. The position of the items are shown on The 'Technical Layout Plan' within the appendices at the bottom of this report.

The application is a resubmission of a previous scheme which was deferred and later withdrawn to address concerns raised by members / residents which included the location of the play equipment in proximity to the adjacent footpath and the position of the basketball hoop. There were also complaints regarding the lack of consultation with residents prior to the planning application being submitted.

The site is set between two streets (The Avenue and The Resolution) and a pedestrian footpath connects the two, with open space and the existing play equipment within it. Taking on board resident comments and following further consultation with residents, the proposed play equipment has been positioned to the north of the site in a curved arrangement, being to the north of the footpath. Three objections have been received from residents which largely relate to anti-social behaviour (noise, nuisance, damage to equipment) and increase in traffic and parking problems.

The additional equipment is set away from houses within the area and close to the existing play equipment is located, with a degree of natural surveillance as well as existing CCTV coverage along with proposed additional lighting. In view of these matters it is considered that the proposal will not have an adverse impact on the character of the area and will be a complementary addition to the existing established play park and will be of public benefit and provide children with a greater provision. It is also considered that the equipment is shown in positions that will limit any impacts associated with the use of the equipment on residential amenity and highway safety nor would it be detrimental to users of the main footpath link.

---

## SITE AND SURROUNDINGS AND PROPOSED WORKS

---

The planning application site relates to The Avenue Play Park, forming part of a larger area that is defined as Primary Open Space within the Council's Local Plan. The areas directly west and south of the site has recently been awarded Village Green status, although not typical in layout as this area acts as back land to the rear of the houses/residential estates that sit either side. The application seeks planning approval for additional play equipment within this established designated play park. The existing park and play equipment is to the west of The Avenue in Nunthorpe across the road from a small parade of shops. There is a public footpath that runs through the open space and along the edge of the park from The Avenue up to The Resolution. The area surrounding the park and wider area of open space is predominately of a residential nature.

The application seeks to install 7 individual items of play equipment including a log rope crossing, wobble/jungle bridge, double balance beam, early Years A frame, weave beam, wobble disc, rope walk with step posts and grass mat surfacing.

---

## PLANNING HISTORY

---

23/0166/FUL – Installation of play equipment - Withdrawn

---

## 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:

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

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.  
<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

---

## CONSULTATION AND PUBLICITY RESPONSES

---

### Public Responses

Number of original neighbour consultations	
Total numbers of comments received	4
Total number of objections	3

Total number of support	0
Total number of representations	4

Comments were received from the following residents which are summarised below for the purpose of this report -

Mr Johnson – 7 The Resolution  
Mr Miller - 109 The Avenue  
Mr Porteous – 103 The Avenue  
Ms J Reilley – 5 The Resolution

- Addition equipment will increase anti-social behaviour.
- Wooden equipment will be burnt/damaged
- Additional noise, rubbish, nuisance to local residents
- Any increase in the attraction will cause increase in traffic and parking problems
- Will increase maintenance costs in the area

Concerns were also raised as some of the new equipment shown broadly on plan and appeared to overlay the area where the swings are located which led to some residents expressing concerns they would be removed as part of the overall works.

It has been confirmed that the swings are **not** to be removed and will be retained on site. An updated Technical Layout plan has also been submitted for clarity.

#### **Neighbourhood Safety Officer**

I understand that consideration has now been made to additional lighting, however, do you know if consideration has been made regarding upgrading the current CCTV coverage?

#### **Cleveland Police**

Having viewed the proposal and conducted a site visit I would make the following comments.

Poorly designed and specified communal areas, such as playgrounds, toddler play areas, seating facilities have the potential to generate crime, the fear of crime and anti-social behaviour.

These may often be referred to as: Local Areas of Play (LAP) – primarily for the under 6 year olds

Local Equipped Area for Play (LEAP) – primarily for children who are starting to play independently

Neighbourhood Equipped Area of Play (NEAP) – primarily for older children

Multi-Use Games Areas (MUGA) – primarily for older children

Facilities should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Boundaries between public and private space should be clearly defined, and open spaces must have features which prevent unauthorised vehicular access. Communal spaces as described above should not immediately abut residential buildings.

The open space must be inclusively designed with due regard for wayfinding, permeability and natural surveillance Adequate mechanisms and resources must be put in place to ensure its satisfactory future management and maintenance.

Care should be taken to ensure that a lone dwelling will not be adversely affected by the location of the amenity space. It should be noted that positioning amenity/play space to the rear of dwellings can increase the potential for crime and complaints arising from increased noise and nuisance.

On a Site-Specific basis, I therefore recommend care in the positioning of the additional equipment in this location to ensure that its usage will not cause issues for the nearby flats or for users of the existing pathways. Locating the equipment suitably distanced from these will reduce opportunities for future issues.

The shrubbery and tree canopies surrounding the play area should be pruned/crowned to maximise both formal and informal surveillance across the facility from the aforementioned flats as well as The Avenue and also the cc-tv camera that is in situ. Shrubby should not be above 1m in height and the tree canopy should be above 2.0m to allow for the corridor of sight to be maximised.

Materials used for the equipment should be of a robust nature and resistant to damage, fire and for graffiti to be easily removed.

Having consulted with Local Neighbourhood Policing I am aware that this location, like a lot of similar such locations, can attract sporadic anti-social- behaviour issues. Careful design and management, including implementing these recommendations can assist in reducing these opportunities.

### **Highways**

No Objection

### **Environmental Health**

No Comments

---

## **PLANNING CONSIDERATION AND ASSESSMENT**

---

### **Policy**

1. The main considerations with this proposal are the principle of the development, impacts on the character and appearance of the area the impact on the privacy and amenity of the neighbouring properties and the impact on highway safety.
2. As the application site and existing play park form part of an area designed as primary open space Policy E7 is of relevance. Policy E7 (Primary Open Space) sets out that existing or proposed primary open space will be safeguarded from development with exceptions being made for development which complements its function or is of overriding benefit to the community as a whole and which would not result in the significant loss of open space.
3. Policy CS4 requires all development to contribute to achieving sustainable development principles, including ensuring that landscape character and green infrastructure are protected and where possible enhanced. The Urban Design SPD advises that development should retain trees as features where possible and should make a positive contribution to the neighbourhood environment.

4. Policy CS5 requires all development to demonstrate high-quality design. This includes the creation of high-quality open spaces and ensuring that new development enhances the built and natural environment.
5. Policy DC1 requires that the effect on the surrounding environment and local amenity is minimal and the effect on protected open space is limited.
6. In addition, the National Planning Policy Framework 2021 (para.93) states to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments; b) take into account and support the delivery of local strategies to improve health, social and cultural wellbeing for all sections of the community; c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and e) ensure an integrated approach to considering and other local services to enhance the sustainability of communities and residential environments.
7. Para. (92) also states that Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages; b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

#### **Site layout and appearance**

8. The site in question is already an established play park that is accessed east of The Avenue and forms part of a wider area of primary open space which includes an area of mown amenity grass and is bounded by a grouping of trees, vegetation, shrubs and public footpath and is considered to be a positive asset of the area. This land is currently defined as primary open space in the local plan and is therefore for the benefit of the public and is protected from development in most regards. The additional play equipment to the existing play park is considered to complement the function and use of this open space and will add to its community benefit resulting in it being compliant with Local Plan Policy E7 in this regard.
9. The proposed equipment is of a scale and design typical of other play equipment found elsewhere with in other parks across the town and will complement and enhance the existing play park equipment already in-situ whilst ensuring the remaining green space is retained in accordance with Local Plan Policy CS4.

10. The proposal is unlikely to have any significant visual impact on the surrounding area as the play equipment will be located within the area of open space to the north of the site which is a relatively discreet location which already hosts a range of play items. As such equipment should not appear prominent or be highly visible and would not appear out of place within their setting in accordance with Local Plan Policy CS5. The proposal will also make a positive contribution to the neighbourhood environment in accordance with The Councils Design Guide.

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

11. There are residential properties in the immediate area with some properties either backing onto the play park/area of open space or that sit adjacent to it. Whilst the proposal will see the number of play items increased on site, it is considered that the additional play equipment will not have a significant additional impact on the amenity of nearby residents, beyond that of the existing play equipment on site as equipment will be located sufficiently away from any main habitable rooms ensuring that any impact in terms of outlook is minimal.
12. A number of residents have raised concerns with regards anti-social behaviour increased noise and litter. Whilst these are noted and accepted as likely impacts of the existing park and future proposals, anti-social behaviour is not a material planning consideration as it something that may or may not happen and therefore would not warrant refusal of the application. Furthermore, anti-social behaviour can take place outside shops, schools and other similar places and this would not prevent the provision of such facilities. It is important however that the siting of the play equipment and the scale of the play park is appropriate for its location and not imposing significant demands on what is a 'local' area due to the likely extent of use that it will receive. Whilst the amount of equipment is increasing and its location within the area, it is considered that the provision remains to be one of a local scale / nature rather than being a more strategic provision which would have an excessive draw for this area.
13. It is noted that there is already CCTV at the top of the park which is monitored and also noted that further improvements could be made such as ensuring foliage around the park is maintained in such a way to prevent restriction to the cameras coverage. This is essentially a matter for the management of the CCTV operator and an informative is recommended that a review of the CCTV is undertaken to ensure it has adequate coverage. As there is existing CCTV and the play equipment is in the same area as the existing equipment, it is considered additional cameras are not necessary as a result of this proposal.
14. Existing lighting in this location should serve to light the footpath and contribute to it being a safe place. Having received consultation responses from both the Police and Neighbourhood Safety Officer it is understood that they are already aware that in this location, like a lot of similar such locations, playparks can attract sporadic anti-social-behaviour issues, but it is also recognised that careful design and management, can assist in reducing these opportunities ensuring the site and existing CCTV is regularly monitored. It is considered that this proposal reflects good design in this regard as it achieves natural surveillance, CCTV coverage and is lit.

#### **Highway Safety**

15. The application site is accessed via the public footpath which runs from the western side of The Avenue to the eastern side of The Resolution. There is no vehicle access and no designated car park associated with the park. However this is a

neighbourhood park which was originally designed and intended to provide "close-to-home" recreational opportunities to serve neighbours within walking and bicycling distances and children travelling to and from the nearby schools. The additional equipment may see the increase of users of the park although it's unlikely it will be of a significant level. The park is of a modest scale which is unlikely to attract high number of visitors from outside of the area who would need to travel by car. It is therefore considered that the proposal would not result in a significant increase in terms of traffic or car parking near the site. Whilst some items of play equipment have been positioned adjacent the public footpath that runs south of the park, there will still be an acceptable clearance between the equipment and footpath ensuring that the width and openness of the existing public walkway remains so that it is still inviting to use and won't disrupt the use of the footpath in anyway in accordance with the principle's of good design and the relevant parts of Local Plan Policy DC1 and Secure by Design Guidance.

### **Conclusion**

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

---

## **RECOMMENDATIONS AND CONDITIONS**

---

### **Approve subject to the following conditions and informatives**

1. **Time Limit**

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990

2. **Approved Plans**

The development hereby approved shall be carried out in complete accordance with the plans and specifications below and shall relate to no other plans.

- a. Location plan received 24<sup>th</sup> April 2024
- b. Technical layout plan received 2<sup>nd</sup> July 2024
- c. Site plan/Lamp position plan received 24<sup>th</sup> April 2024
- d. Lamp column details received 2<sup>nd</sup> May 2024



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

### **REASON FOR APPROVAL**

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

---

### **INFORMATIVES**

---

#### **Review of CCTV**

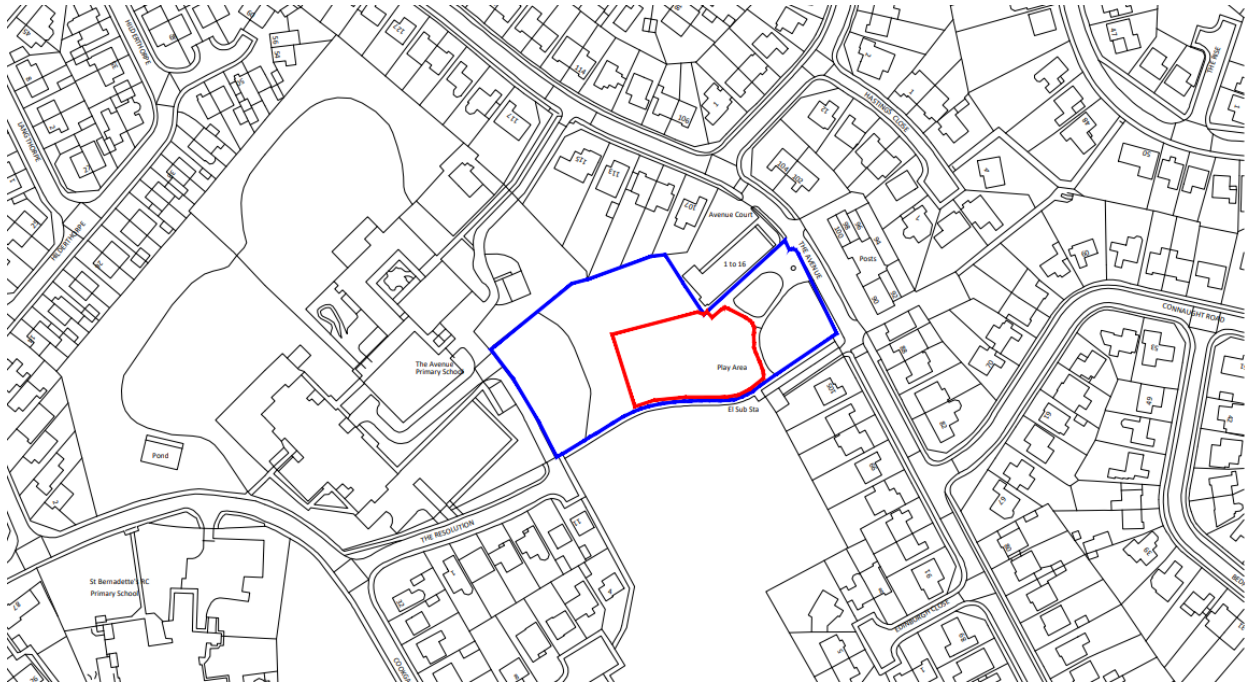
Taking into account residents' comments and those of the Police ALO it is advised that a review of the CCTV is undertaken to ensure it has adequate coverage to cover all equipment within the part and that planting, and trees are maintained in a manner which does not unduly restrict such coverage.

Case Officer: Joanne Lloyd

Committee Date: 11<sup>th</sup> July 2023

**Appendices**

**Appendix 1. Site location plan**



**Appendix 2. Play equipment proposed**

	<b>Play Item</b>	<b>Length</b>	<b>Width</b>	<b>Height</b>
<b>Children's Trim Trail</b>	Balance Beam	2.4	0.35	0.12
	Wobble/Clatter Bridge	2.5	1.3	0.95
	A Frame	1.2	1.2	1.5
	Stepping Logs	1.5	0.2	0.4
	Swinging Logs	3	2	0.65
	Weave Beam	2.4	2	0.4
	Wobble Disc	1	1	0.4

**Appendix 3. Image of play equipment**



Log rope crossing

EY A-frame

Wobble disc

Wobble bridge

Weave beam

Double balance beam

Log Steps

Rope Walk

Appendix 4. Proposed Site Layout

