
APPLICATION DETAILS

Application No:	24/0226/MAJ
Location:	Site of former Southlands Centre, Ormesby Road, Middlesbrough, TS3 OBH
Proposal:	Erection of single storey community facility (F2(b) use class) (comprising changing facilities, multi-use hall and multi-purpose rooms), construction of access roads, associated car park, fencing and landscaping
Applicant:	Middlesbrough Council
Agent:	Design Services
Ward:	Berwick Hills/Pallister, Park End/Beckfield
Recommendation:	Minded to Approve Conditionally

SUMMARY

The application seeks planning permission for the erection of a single storey community facility and associated works on the site of the former Southlands Centre. Similar applications have been submitted in 2021 and 2023 for a community facility and associated car park. The first application was withdrawn and the second application was approved but not implemented.

The key considerations with the current application relate to the design and arrangement of the proposals, the highways related issues such as vehicular movements and access to the site, the implications including potential noise nuisance on surrounding properties. The main issue, however, is the consideration of the requirements of Sport England and its objection to the scheme.

The report concludes that the proposed building is of a high quality and situated at a distance away from residential properties not to unduly harm their amenities. Whilst the community centre building would be within the Green Wedge and Primary Open Space, it has been designed in a way to minimise the impact on the local area.

Issues relating to the likely noise levels from activities at the proposed community facility have been considered as well as the implications of traffic movements on nearby properties, although none have been deemed as having harmful impacts.

Whilst Sport England raises objection to the proposed layout (with specific reference to the issue of the footpath connecting the site to the Unity City Academy) and the ground conditions for the replacement playing field, it is the view of Officers that the footpath allows greater accessibility and could even be considered permitted development, whereas the

issue of the ground conditions could be overcome by a suitable planning condition to enable this element to be deemed acceptable.

Members are asked to give careful consideration to the issues raised by Sport England but to ultimately be minded to support the scheme in line with Officers recommendations and conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site forms part of the grounds of the former Southlands Centre, as well as land to the north.

Residential properties are situated along much of the southern boundary of the site, Middle Beck run along the eastern boundary, Ormesby Road is situated to the west, and the Unity City Academy is situated to the north.

Planning permission is sought for the construction of a new community centre facility comprising a single storey building to be used as a multi-function hall and multi-purpose rooms with associated car park and other works.

The external finish of the community centre facility would be a combination of brickwork (Staffordshire Blue), timber cladding and aluminium cladding.

The community centre would be located to the north of the proposed new car parking area, which would have capacity for 72 vehicles (including 5 accessible spaces). A cycle store with 4 stands and bin store would be created adjacent to one another within the car park. Between the community centre building and the car park would be 2.4 metres high weld mesh fencing, which would also run alongside Ormesby Road and return across the site beyond the new eleven-a-side football pitch.

On the plot of the former Southlands Centre building would be a new playing field, which is proposed as a replacement playing field/pitches, and works would be carried out to improve the ground conditions to enable appropriate pitch standards.

PLANNING HISTORY

18/0568/PNO

Demolition of Southlands Leisure Centre
Prior Notification Approved
13th September 2018

21/0058/FUL

Erection of single storey community facility, comprising of a multi-use hall and 2 multi-purpose rooms with associated car park and external works

Deferred at Planning Committee 9th April 2021. Members principally raised concerns with regards to the position of the vehicular access to the facility, which was through the residential estate to the south, as well as an outstanding objection from Sport England.

After the deferral, the applicant has given consideration to an alternative access (off the existing roundabout) and engaged in discussion with Sport England.

The 2021 application was subsequently withdrawn and the 2023 application submitted.

23/0061/FUL

Erection of single storey community facility (F2(b) use class) comprising a multi-use hall and multi-purpose rooms, including community café and office spaces; creation of multi-use games area (MUGA) with associated fencing and floodlighting; construction of associated car park, access roads and landscaping

Approved with Conditions

22nd March 2023

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:

Core Strategy:

DC1 (General Development),

CS4 (Sustainable Development),

CS5 (Design),

CS13 (A Strategy for the Town, District, Local and Neighbourhood Centres),

CS18 (Demand Management) and

CS19 (Road Safety)

Housing Local Plan:

H1 (Spatial Strategy),

CS17 (Transport Strategy) and

CS20 (Green Infrastructure)

Saved Local Plan:

E2 Green Wedges

E7 Primary Open Space (Existing): Protection from Development

E28 Recreational Uses in the Countryside and in the Green Wedges

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.

<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

CONSULTATION AND PUBLICITY RESPONSES

Neighbour Consultation

Consultation with surrounding neighbours through a letter-drop exercise has been undertaken. Additional to the letter-drop exercise, two site notices have been displayed near to the site (one at the site entrance off Ormesby Road and the other at Blanchland Road).

No objections or other representations have been received.

Summary of Public Responses

Number of original neighbour consultations	108
Total numbers of comments received	0
Total number of objections	0
Total number of support	0
Total number of representations	0

Summary of responses from Internal Technical Services

MBC Highways

The application has been supported by a Transport Statement and Travel Plan. The level of traffic generation is not significant and no further assessment of the operation of the network is required.

The level of car parking is considered to be acceptable. Turning and parking for coaches has been demonstrated as being acceptable.

The application includes ped/cycle links to the surrounding communities.

No objections subject to conditions requiring the turning/servicing areas and parking areas to be implemented before use, off-site highways works, a method of works statement and full travel plan.

MBC Flooding Officer

No formal comments received.

MBC Waste Policy

No objections.

MBC Environmental Health

There are no objections subject to five conditions: 1) restrictions on the collections and deliveries to the site, 2) restrictions on the collection of refuse, 3) details of any floodlighting, 4) development in accordance with the submitted noise assessment, and 5) site investigation.

Summary of responses from External and Statutory Consultees

Sport England

The community facility, car parks and footpaths are constructed on land which falls within the definition of playing field and are considered against Sport England's playing field policy exception 2.

The proposed car parking areas have a minimal impact on the playing field area. The proposed community centre is located on playing field that has previously been used to set out a football pitch. There is a network of new footpaths across the site, one of which runs

directly north from the proposed community centre to the Unity Academy. This footpath directly impacts on the playing field areas and limits the flexibility to set out pitch types.

A number of elements are not considered to comply with the playing field policy exception 2.

In addition, the Southlands site was earmarked as replacement playing field and pitches for the 2.9Ha playing field being lost to the housing development on land adjacent to Marton Avenue.

Whilst the proposed area of playing field appears large enough to replace what has been lost to housing development at Marton Grove, there is conflict in the submitted documents and uncertainty about how the playing field (upon the site of the former Southlands building) will be brought to an appropriate standard to accommodate playing field.

At present, the proposal is not considered as adequate replacement for the playing field lost at Marton Avenue.

Northern Gas Networks

No objections to the proposals, although there may be apparatus in the area that may be affected by the development. Informative recommending contact with NGN has been provided.

Cleveland Fire Brigade

No objections to the proposals. Informative with recommendations of the access and water supplies have been provided.

Natural England

No comments received.

Northumbrian Water

No comments received.

Secured By Design

It is recommended that the development incorporates Secured by Design principles within the scheme.

PLANNING CONSIDERATION AND ASSESSMENT

Background

1. The application before Members is a full application for planning permission for a new community facility and associated works on the site of the former Southlands Centre.

2. Since its recent demolition, the site of the former Southlands Centre has been the subject of two applications for planning permission for a community centre and associated works. The first application for redevelopment works (21/0058/FUL) was withdrawn prior to determination; the second application was approved but has not been implemented (23/0061/FUL) and has been superseded by the current application.

Relevant National and Local Policies

3. National guidance relating to development for community facilities is contained within the National Planning Policy Framework (NPPF). Paragraph 20 of the NPPF states that the Councils strategic policies should *'make sufficient provision for leisure and community facilities'* and that decisions should help provide community needs.

4. Section 8 of the NPPF makes clear the role of local authorities and outlines how they need to be *'promoting healthy and safe communities'*. The section advises that policies and decisions *should aim to achieve healthy, inclusive and safe places, as well as providing the social, recreational and cultural facilities and services the community needs.* Paragraph 96 states that authorities should *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 and strong neighbourhood centres* amongst other things. The same paragraph also advises planning policies and decisions to aim for healthy, inclusive and safe places that are *safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion as well as to enable and support healthy lifestyles.* Paragraph 97 states that decisions should *plan positively for the provision and use of community facilities and other local services to enhance the sustainability of communities and residential environments and guard against the unnecessary loss of valued facilities and services.*

5. The relevant policies in the Local Development Plan regarding this application have been outlined in the Planning Policy section of this report. In general terms, these policies seek to achieve high quality sustainable development that is situated in the right place and minimises the impact on neighbouring occupiers.

Principle of Development

6. The application site has two principal designations on the Local Plan Proposals Map. The site of the former Southlands Centre building, the access road from Ormesby Road and the existing all weather pitch have no specific allocation. The land to the north of the site entrance (the site of the 11x11 pitch and the new community centre on the submitted plans) is allocated as Green Wedge and Primary Open Space.

7. Within the previous applications, the proposed community centre building was on land that had no specific allocation and was considered on its own merits. In the current application, however, the building is proposed within the Green Wedge and Primary Open Space and consideration needs to be given to whether its siting within this allocation is acceptable.

8. Policy E2 seeks to retain Green Wedges as open space and sets out several criteria where planning permission will not be granted. Policy DC1 similarly requires that the impact of the development upon the surrounding environment to be minimal; that the effect on protected open space within the urban area and Green Wedges is limited. Policy E28 advises that outdoor participatory recreational uses will normally be permitted in Green Wedges subject to criteria, a number of which overlap with the criteria in Policy E2. In terms of the criteria of E2, these include:

9. Criterion (i) *Development would include substantial building works.* Whilst it is acknowledged that the proposed building has been designed to be predominantly single storey to minimise its visual impact, it would involve substantial building works. Whilst the application could be considered to fail this criterion, it is recognised that the area of Green Wedge to be lost is considered to be relatively small compared to the broader Green Wedge in the locality, which will be retained.

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

11. Criterion (iii) *Development would affect the predominantly open, green character of a Green Wedge or create undue nuisance or disturbance to occupiers of nearby properties or to quiet enjoyment of the open space.* The site where the main building works would take place is located on the southwest edge of the Green Wedge and forms a relatively small area of the overall Green Wedge. As such, it is considered development of the application site would not be detrimental to the predominantly open, green character of the wider Green Wedge. The application has been supported by a noise impact assessment, which concludes that the expected noise levels from the development would satisfy local and national planning policy aims. The proposed development is, therefore, considered unlikely to have a significantly detrimental impact on the quiet enjoyment of open space within the Green Wedge compared to the current situation.

12. Criterion (iv) *Harm visual amenity.* With the majority of the proposed development being single storey, it is considered this will assist in limiting its visual impact. Soft landscaping is indicatively shown on the site plan and a condition can be imposed in the event of approval to ensure appropriate planting to screen the building and the enlarged car park, which would further minimise its visual impact and would assist to better integrate the proposed development with the surrounding natural environment and to retain the green character of the Green Wedge and Primary Open Space.

13. Criterion (vi) *Impair public access to Green Wedges or compromise greenlinks.* A greenlink runs immediately adjacent to the east of the site, but it is the officer view that the proposed development would not negatively impact on public use of the greenlink. In addition, a network of new footpaths is proposed around the site which link the development to existing footpaths to the east and west. A footpath is also proposed to the north linking the proposed development to the Unity City Academy. Overall, the proposals are considered to adhere to this criterion.

14. Criterion (viii) *Reduce the physical separation between existing development.* It is considered that there will be no harm to the physical separation between existing development that surrounds the site. Whilst the proposed community centre would inevitably reduce the physical separation between development, the proposed development would not significantly encroach into the existing surrounds. It is also noted that the recent demolition of the Southlands Centre building has increased the distance between buildings and this would be further established through the reinstatement of the ground to playing field standards.

15. Policy E7 seeks to safeguard Primary Open Space from development and only allows exceptions that complement its function or is of over-riding benefit to the community and would not result in the significant loss of open space which is in a Green Wedge or of significant visual or landscape value. In this case, it is considered that the community centre, which provides changing facilities for the sports pitches as part of its operation, would complement the playing fields and be of over-riding benefit to the wider community. The Primary Open Space that is included within the western part of the application site and would accommodate part of the building would remain largely grassed or feature other soft landscaping, which would help to protect its visual and landscape value.

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

17. Overall, it is considered that the principle of the proposed development meets the requirements of the Green Wedge and Primary Open Space policies, and the application is deemed to be compliant with the relevant criteria of DC1, E2, E7, E28 and CS20.

18. Policy H1 advises that development proposals need to be sited within the urban area where they are accessible to the community they serve and satisfy the requirements for sustainable development as contained in Policy CS4. Such proposals also need to demonstrate how they would contribute to achieving the spatial vision and objectives of the Plan. The application site is in a suburban location adjacent to a residential area and therefore easily accessible to the community that the proposed development is intended to serve. Objective 1 of the Housing Local Plan is to stabilise population decline through the creation of sustainable communities that create an attractive environment to retain the population in the town. The Plan advises that the objective will be achieved through a combination of providing housing in locations, and of the type, that people want, and through improvements to the local environment and investment in facilities and infrastructure. The proposed community centre and sports pitches that are proposed by the application are considered to provide facilities and infrastructure that will contribute to the creation of sustainable communities.

19. Policy CS4 requires all development to contribute to achieving sustainable development, which includes ensuring everyone has access to leisure and other community facilities that they need in their daily lives, promotion of a healthier community, being located so that services and facilities are accessible on foot, bicycle, or by public transport, making the most efficient use of land with priority being given to development on previously developed land, in particular vacant sites, and ensuring that green infrastructure is protected. It is considered that the proposed development will improve access in the locality to sports and community facilities, and the sports facilities should bring health benefits to the users. The application site is considered to be in a sustainable location, being adjacent to residential properties and close to a bus route and cycle path. Moreover, the proposed community building is on previously developed land. Given the above, it is considered that the development would comply with the criteria of CS4.

Design, Scale and Impacts on Surrounding Areas

20. Policy CS5 requires all development proposals to demonstrate high quality of design in terms of layout, form and contribution to the character and appearance of the area. This includes criterion (c) *ensuring development is well integrated with the immediate and wider context* and criterion (f) *ensuring a quality of new development that enhances both the built and natural environments*. Similarly, Policy DC1 requires the effect of development on the Green Wedge to be limited, that the visual appearance and layout of development is high quality. It is important, therefore, that the design integrates well with the surrounding natural environment.

21. Part of the proposals includes the creation of a 72 space car park off the access road. Whilst this marginally reduces the size of the Green Wedge, the car park is positioned close to the existing access road and has space for the anticipated vehicles as calculated

through the transport statement. The car park is considered to be of an appropriate size to enable the development to function and allow accessibility. As discussed in the previous section, a detailed scheme of soft landscaping can help to minimise any adverse impacts of the hardstanding within the Green Wedge.

22. With a single storey height, the building is relatively low and considered to be unimposing in this Green Wedge setting. The proposed building has a contemporary design and the chosen materials – which include a combination of brickwork and timber cladding – within the building are considered to complement the existing buildings in the local area and reflect the context of the surrounding Green Wedge environment. A condition is recommended that appropriate materials and colours are used in the finished appearance.

23. It is noted that the building design features measures to minimise potential crime and other unauthorised access to the facility, and the location of the building is relatively well positioned, with natural surveillance from the surrounding residential area, all of which are in line with the guidance of the NPPF.

24. Policy DC1 seeks to ensure that the effect upon the surrounding environment and the amenities of occupiers of nearby properties will be minimal as a result of development. The nearest properties are considered to be those to the south of the site – those located on Anglesey Avenue and Blanchland Road – which would be separated from the front elevation of the facility by approximately 75 metres. For a development of this type and scale, it is considered that such a separation distance would be suitable and minimise the impacts of the scheme as a result of its presence and scale.

25. In between the proposed community centre building and the nearby residential properties is the access road and car park. It is noted that there will be activities in the car park – vehicular movements, car headlights, doors slamming – that could adversely affect the living conditions of residential occupiers. The noise impact assessment that supports the application has concluded that none of the additional noise and disturbance is anticipated to bring significant undue levels that would be detrimental to residential amenity.

26. The use of the pitches is likely to generate noise from participants and from footballs hitting fencing, which may have harmful impacts on the levels of residential amenity of nearby occupiers. Moreover, it is noted that part of the Green Wedge is currently school playing field and there is an existing all-weather pitch nearby and, as such, there is currently a level of sports/play related noise. To assess the likely impacts, the application has been supported by a noise assessment, which has been considered by officers in the Council's Environmental Health service. No objections have been raised to the conclusion that there would be no adverse impacts on residential properties.

27. Weld mesh fencing is shown separating the community centre and 11-a-side pitch from the car park, which is considered to be an appropriate fence type for the development, as it allows views through to the building for security reasons as well as retaining the open feel to the Green Wedge. Fencing also surrounds the bin store that is situated in the car park, which would be 2.4 metre high close board timber panels. The use of close board timber panels is deemed to be suitable, as it provides a good level of screening of the refuse bins as well as an acceptable finish.

28. No details have been provided for any floodlighting that may be used on the new pitch to be created on the land of the former Southlands Centre building. To safeguard the amenities of local residents, a condition is recommended for details to be submitted prior to their installation.

Sequential Assessment

29. In isolation, office space is deemed to be a main town centre use as defined by the NPPF. Core Strategy Policy CS13 advises that new office development will be directed to the Town Centre and requires a sequential approach to be applied when considering proposals for new town centre uses outside of designated centres. Section 7 of the NPPF similarly requires that Local Planning Authorities apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.

30. Whilst the proposed office space is strictly in an out-of-centre location, it is understood that the offices are for community benefit only as well as the management of the proposed facility rather than being for general use offices to be occupied by any business. As such, there would be no expectation for the applicant to provide a sequential test or provide robust justification for why the offices cannot be located in a sequentially preferable location.

31. The office space is seen to be integral to the use of the building for community uses and help ensure its long-term viability. A condition is recommended to ensure that the office use is ancillary and remain as such in perpetuity. Given this intention, the proposed development is considered to be in accordance with Policy CS13 and Section 7 of the NPPF.

Highways Related Matters

32. Policy CS17 advises that the Council, in association with partners, will seek to deliver a sustainable transport network, which promotes alternative modes of transport other than the private car whilst reducing the need to travel. The Policy also expects all major developments to include a comprehensive network of cycleways and pedestrian routes that permeate throughout the site and link into the wider strategic network. Additionally, Policy CS18 requires development proposals to incorporate measures that improve the choice of transport options available to people, including promotion of schemes for cycling and walking. In order to assess the application against these Policies, the application has been supported by both a Transport Statement and Travel Plan; the scoping of which have been agreed with officers.

33. Traffic generation of the proposed uses has been established using the nationally recognised TRICS database and supplemented with Tees Valley Highway Design Guide parking standards. This approach has demonstrated that the peak periods of operation of the site will occur outside of the peak periods of operation of the highway network. The level of traffic generation, especially when taking into account the existing MUGA facility at the site, is not material and does not require further assessment of the operation of the network.

34. The TRICS data and parking standards have been used in conjunction to identify the most appropriate level of car parking for the site. This assessment has identified a peak accumulation/demand in parking of 31 spaces. Vehicular access to the proposed development is to be taken from the existing roundabout access onto Ormesby Road. This internal access road leads to a car park which is to provide 72 car spaces (including 5 disabled spaces). Turning and parking for two coaches within the site is also proposed and demonstrated to be practical with swept path analysis.

35. Pedestrian and cycle access is provided in the form of a new 3.6 metres shared route, which runs east-west through the site and links up with adjoining residential areas.

This facility leads to a proposed new Toucan signalised crossing on Ormesby Road just south of the existing roundabout, which will further encourage safe pedestrian access.

36. At this location, pedestrians currently have to wait for traffic, cross in two stages and hold in a pedestrian refuge when crossing Ormesby Road. The highway works consist of upgrading this existing uncontrolled pedestrian crossing to a signalised Toucan crossing, which will also connect into existing shared ped/cycle routes which run along Ormesby Road. These works will improve non-car accessibility to the site and will be secured by a suitably worded condition.

37. Bus stops exist immediately north and south of the proposed Toucan and are well served by a number of frequent bus services.

38. Given the above infrastructure and location the site can be considered to be highly sustainable, which will reduce the need to travel by car. In order to support this approach, a Travel Plan has been submitted which will also be secured by condition.

Drainage Related Matters

39. The application has been considered by the relevant water authorities, including Northumbrian Water and the Council's Local Flooding Officer. All have confirmed that there are no objections to the proposed development subject to it being carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy. More information would be required however, as there are some areas where information or clarification is required, although such information can be secured through appropriate conditions.

Ecological/Biodiversity Considerations

40. The application is supported by an Ecological Impact Assessment, which provides general advice on the ecological constraints to the proposed development and what appropriate mitigation measures might be implemented to minimise adverse impacts on the flora and fauna at the site. The Ecological Impact Assessment concludes that the site is dominated by amenity grassland and bounded by species-poor hedgerows and fences and that, overall, the majority of the habitats on site are of low ecological value. Provided the recommendations in the Assessment are implemented, it is anticipated that the proposed development would not have significant adverse impacts on notable species and wildlife.

41. Since April 2024, Biodiversity Net Gain (BNG) has become a mandatory requirement under Schedule 7A of the Town and Country Planning Act 1990. All relevant applications must deliver a BNG of 10% over 30 years, which means that development will result in a more or a better quality natural habitat than there was before development.

42. The application has been supported by a Baseline Biodiversity Net Gain Statement and the required Biodiversity Metric tool has been completed. The baseline score for the site includes habitats at 18.43 units and hedgerows at 1.63 units, which will need to be increased by at least 10% to meet the statutory requirements.

43. The Biodiversity Net Gain Statement advises that all trees and hedgerows will be retained as much as possible, that areas of poor grassland will be enhanced and that new planting will include species-rich hedgerows. Additional enhancements will include creation of habitat piles, bird nesting opportunities and bat boxes. As well as the standard BNG condition, a separate condition can be included for these habitat improvements.

Sport England Considerations

44. The Town and Country Planning Order 2015 states that a local planning authority shall consult Sport England on development that is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field. The consultation with Sport England is therefore a statutory requirement.

45. In addition to the above, Sport England also has an interest in this application as it was earmarked as providing replacement playing field and pitches for the 2.9 hectare playing field being lost to the housing development on land adjacent to Marton Avenue.

46. Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 103), and against its own playing fields policy, which states: *'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of: all or any part of a playing field, or land which has been used as a playing field and remains undeveloped, or land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions'*.

47. Having considered the proposals, Sport England highlights that the proposed car parking areas have a minimal impact on the playing field area and that the proposed community centre is located on playing field that has previously been used to set out a football pitch. Most crucially, however, Sport England raises concerns over the footpath linking the proposed community centre to the Unity City Academy, which it states directly impacts on the playing field areas and will limit its flexibility to set out differing pitch types in the future. With these concerns, Sport England advises that a number of elements are considered not to comply with its playing field policy exception 2.

48. In terms of the replacement pitch, Sport England states that the submission documentation is contradictory and missing detail in respect of how the ground would be reinstated to playing field standard. Sport England is of the view that the application does not include an assessment as to whether it is possible to reinstate the ground to playing field standard and what work is required. Whilst Sport England notes that the proposed area of playing field would be large enough to replace that being lost at Marton Grove, it concludes that there is an absence of key detail and uncertainty as to the quality of playing field that will be created.

49. During the application, a meeting has taken place between the applicant and Sport England in an effort to address the issues and concerns raised. Subsequent to this meeting, additional information was provided by the applicant, and a re-consultation exercise carried out with Sport England. Notwithstanding these efforts, Sport England upheld its objection to the application. Consideration is given to the points Sport England raises.

50. In terms of the specification of the replacement playing field area, it is noted that Sport England suggested a planning condition to secure these details as part of 23/0061/FUL, which was ultimately approved by Planning Committee in 2023. Although it is acknowledged that the playing pitches are now at a different part of the site (the replacement playing field now proposed on the site of the former Southlands Centre building), it is the Planning view that a condition could be imposed on any planning permission to secure a detailed assessment of the ground conditions. This is deemed to be in accordance with Paragraph 55 of the National Planning Policy Framework and make this element of the application acceptable.

51. In terms of the proposed layout, and specifically the footpath running north to the Unity City Academy, consideration has been given to its actual requirement or possible re-

routing. It is understood, however, that one of the aims of the facility is to provide an inclusive and accessible environment for all to be able to access sport and community facilities. Providing accessible routes in and around the site is seen as a key element of the scheme, which is why the applicant seeks to link the site to the nearby Academy.

52. In terms of re-routing, it is considered that this could be done around the edge of the site, which would not be considered so desirable by users. Although the footpath could be re-routed to enable greater flexibility to set out pitches, the laying of a footpath in this location could be considered as permitted development. Under Part 7, Class N of the General Permitted Development Order, a footpath (or any hard surface) would only not be permitted development if the playing field *could no longer be so used*. Whilst the proposed layout may cause potential implications in terms of setting out pitches, it is considered that any footpath laid out here (directly north to the Unity City Academy) would not prevent the use of the playing field.

53. Mindful of the above considerations, it is the Planning view the scheme can be supported in principle and that the issue of the ground conditions can be overcome through the use of appropriate conditions. If Members are minded to support the scheme, it is noted that the application and all the supporting documentation would need to be sent to the Secretary of State for consideration.

Conclusion

54. It is concluded that the proposed development would constitute a high quality, sustainable development, which will go towards enhancing the site of the former Southlands Centre and provides community facilities and resources to meet anticipated demand. Moreover, the design and layout of the scheme are deemed to be acceptable and generally in accordance with the relevant local and national policies given there will be only limited adverse impacts on the surrounding residential area.

55. For the above reasons, Officers are of the view that the application can be supported. In light of the continued objection from Sport England, however, Members cannot approve the application and would only be able to give a recommendation of minded to approve, subject to its consideration by the Secretary of State.

RECOMMENDATIONS AND CONDITIONS

Minded to Approve with the following conditions

1. Time Limit

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Approved Plans

The development hereby approved shall be carried out in accordance with the

following approved plans:

- a) Proposed Red Line Site Boundary
- b) Proposed Site Plan (drawing no.03)
- c) Proposed Floor Plan (drawing no.01)
- d) Proposed External Elevations (drawing no.02)
- e) Drainage GA – Schematic Plans (246038-BGP-01-ZZ-D-C-01130 Rev P02)
- f) Drainage Details (246038-BGP-01-ZZ-D-C-01135 Rev P02)

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

3. Samples of Materials

The development hereby approved shall only be carried out using finishing materials of which samples have been submitted to and approved by the Local Planning Authority. This shall include materials to be used in the construction of the community facility building as well as the bin store screening/fencing.

Reason: To ensure the use of satisfactory materials.

4. Ancillary Office Space

The office space approved as part of the development hereby approved shall at all times remain ancillary elements to the community facility. The offices shall only be for local community benefit or management of the facility and not for general use by a business.

Reason: To ensure an acceptable form of development that is in accordance with Policy CS13 and Section 7 of the National Planning Policy Framework.

5. Soft Landscaping

Prior to the occupation of any community facility hereby approved, a detailed scheme for tree planting and associated soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall include details of the proposed trees to be planted, including their species (native species only), size and location, as well as their maintenance for a period of at least five years. The tree planting and associated landscaping works shall take place during the first available planting season (October-March) following the completion of building works on the site. The Local Planning Authority shall be notified within two weeks of the landscape planting works.

Reason: To ensure the satisfactory implementation of an approved landscaping scheme in the interests of the visual amenities and landscape features of the area.

6. Replacement Planting

If within a period of five years from the date of the planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: In the interests of the general amenities of the area and a satisfactory

landscaping scheme.

7. Surface Water Drainage Scheme

Prior to the commencement of the development on site a detailed surface water drainage scheme (design and strategy) shall be submitted to and approved in writing by the Local Planning Authority. The scheme should be designed, following the principles as outlined in the Flood Risk Assessment (246038-BGP-00-XX-RP-C-001) and the development shall be completed in accordance with the approved scheme.

The design of the drainage scheme shall include but is not be limited to:

- i. The surface water discharge from the development must be limited to a Greenfield run off rate (Q_{bar} value) with sufficient storage within the system to accommodate a 1 in 30 year storm.
- ii. The method used for calculation of the existing greenfield run-off rate shall be the ICP SUDS method.
- iii. The design shall ensure that storm water resulting from a 1 in 100 year event, plus climate change surcharging the system, can be stored on site with minimal risk to persons or property and without overflowing into drains, local highways or watercourses.
- iv. Provide an outline assessment of existing geology, ground conditions and permeability.
- v. The design shall take into account potential urban creep
- vi. The flow path of flood waters for the site as a result on a 1 in 100 year event plus climate change (Conveyance and exceedence routes)

This should be accomplished by the use of SuDs techniques, if it is not possible to include a sustainable drainage system, details as to the reason why must be submitted.

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area having regard for policy CS4 of the Local Plan and section 14 of the NPPF.

8. Surface Water Drainage Management Plan

Prior to the commencement of the development on site, details of a Surface Water Drainage Management Plan must be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include:

- i. A build program and timetable for the provision of the critical surface water drainage infrastructure.
- ii. Details of any control structure(s) and surface water storage structures
- iii. Details of how surface water runoff from the site will be managed during the construction Phase
- iv. Measures to control silt levels entering the system and out falling into any watercourse or public sewer during construction.

The development shall, in all respects, be carried out in accordance with the approved Management Plan.

Reason: To ensure the development is supported by an appropriately designed surface water disposal infrastructure scheme and to minimise the risk of increased flooding and contamination of the system during the construction process having

regard for policies DC1 and CS4 of the Local Plan and section 14 of the NPPF.

9. Surface Water Drainage Management and Maintenance Plan

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

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

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

10. Turning/Serviceing

No part of the development hereby approved shall be brought into use until facilities clear of the public highway have been provided for the manoeuvring of vehicles in accordance with the approved drawings, or such drawings which are subsequently submitted to and approved in writing by the Local Planning Authority. The drawings shall show means of access, dimensions, surface treatment and drainage. The areas so provided shall at no time be used for any other purpose and retained thereafter for such purposes.

Reason: To ensure a satisfactory form of development and in the interests of highway safety having regard for policies CS5 and DC1 of the Local Plan and sections 9 and 12 of the NPPF.

11. Car and Cycle Parking Laid Out

No part of the development hereby approved shall be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: To ensure a satisfactory form of development and in the interests of highway safety having regard for policies CS5 and DC1 of the Local Plan and sections 9 and 12 of the NPPF.

12. Off-Site Highway Works

The development hereby approved shall not come into use until the highway works detailed below have been carried out in accordance with the submitted drawing(s) or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority:

- i. Removal of the existing pedestrian refuge south of the Sandringham Road/Ormesby Road/Site access roundabout and provision of a Toucan crossing together with associated infrastructure

Reason: In the interests of providing a safe means of access to the site by all modes of transport and to minimise disruptions to the free flow of traffic having regard for

policies DC1 and CS5 of the Local plan and sections 9 and 12 of the NPPF.

13. Method of Works Statement

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

- i. Routing of construction traffic, including signage where appropriate,
- ii. Arrangements for site compound and contractor parking,
- iii. Measures to prevent the egress of mud and other detritus onto the public highway,
- iv. A jointly undertaken dilapidation survey of the adjacent highway,
- v. Program of works, and,
- vi. Details of any road/footpath closures as may be required.

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

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

14. Travel Plan

Within three months of the commencement of development hereby approved, a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented prior to first occupation with the development thereafter being occupied in accordance with the approved Travel Plan unless agreed otherwise in writing by the Local Planning Authority.

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

15. Assessment of Ground Conditions

a) No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

- i. A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the grass playing pitches which identifies constraints which could adversely affect playing field quality; and
 - ii. Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.
- b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose.

16. Details of Floodlighting

Details of any floodlighting to be used at the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the use commences. 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, and the hours of operation of the lighting. The construction and use of the floodlighting shall be carried out in accordance with the approved details and shall be retained in an operation state for the lifetime of the use.

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

17. Approved Noise Assessment

The use hereby approved shall be developed in accordance with Noise Assessment Reference 10519.1 rev C, which was submitted to the local planning authority in support of the application. Any deviations from the recommendations made in the report shall be submitted to the local planning authority for written approval.

Prior to the installation of any fixed plant or machinery, further noise assessment shall be undertaken and the details of which submitted to the local planning authority for written approval.

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

18. Hours of Collections and Deliveries

Deliveries and collections to the premises shall be kept between the hours of 08:00 and 19:00 Monday to Saturday, and between the hours of 09:30 and 18:30 Sunday. Thereafter the collections and deliveries shall be operated in accordance with the approved hours unless the local planning authority gives its written consent to any variation.

Reason: In the interests of the amenities of the area and local residents.

19. Refuse Collections

Collections from the refuse store shall be kept between the hours of 08:00 and 19:00 Monday to Saturday, and 09:30 to 18:30 Sunday.

Reason: In the interests of amenity of residents having regard for policy DC1 of the Local Plan and section 12 of the NPPF.

20. Site Investigation and Remediation

Before the commencement of any development works hereby approved, a full and competent site investigation, including a risk assessment, to identify any contamination present and to specify any remediation works which may be needed to be carried out to the site in order to bring it to a standard suitable for use, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, any remediation works required shall be carried out in accordance with the approved details prior to the commencement of the development. Prior to the commencement of development on site, validation of the remediated site shall be provided in the form of a detailed completion statement confirming that works set out and approved by the

local planning authority were completed and that the site is suitable for its intended use.

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

21. Ecology Mitigation

Ecological mitigation measures based on those detailed in the submitted Ecological Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures approved by the Local Planning Authority shall then be implemented during construction and, where necessary, in perpetuity.

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

22. Bird and Bat Boxes

A scheme identifying the locations of bat and bird boxes to be incorporated within the approved development as recommended in the submitted Ecological Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes of the approved scheme shall then be installed at the agreed locations within six months of the first use of the development and retained in perpetuity.

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

23. Biodiversity Gain Plan

The development hereby approved shall not commence until a Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: As required under the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990.

24. Biodiversity Net Gain Maintenance Plan

The development hereby permitted shall be carried out in accordance with the approved Biodiversity Gain Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30-year period as a result of the development and the Biodiversity Gain Plan shall be implemented in full.

No development shall commence until a Biodiversity Monitoring Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30-year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management Plan shall include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

Monitoring reports will be submitted to the Local Planning Authority during years 2, 5, 7, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any measures needed to be

undertaken to address a shortfall in predicted levels of gain.

Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with paragraphs 180 and 186 of the National Planning Policy Framework.

REASON FOR APPROVAL

The proposed community facility with associated works is considered to be appropriate as it is in full accordance with national and local planning policies, statements and guidance.

In particular, the proposals are in accordance with the National Planning Policy Framework, and the policies regarding community development, sustainable development, the efficient use of land, appropriate scales of development, the protection of open spaces of different characters and uses, good quality design, and transport and accessibility, whilst proposing a development that would not be out of scale and character within the surrounding area, and would not be detrimental to the local and residential amenities of the area.

Issues of principle regarding the use of this site and the generation of traffic have been considered fully and are not considered, on balance, to give rise to any inappropriate or undue affects. Accordingly, the Local Planning Authority considers that there are no material planning considerations that would override the general assumption that development be approved unless other material factors determine otherwise.

INFORMATIVES

Informatives

Informatives: Cleveland Fire Service

Access and Water Supplies should meet the requirements as set out in: Approved Document B Volume 2: 2019, Section B5 for buildings other than Dwellings. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2.

Cleveland Fire Brigade is fully committed to the installation of Automatic Fire Suppression Systems (AFSS) in all premises where their inclusion will support fire safety. It is therefore recommended that as part of the submission consideration is given to the installation of sprinklers or a suitable alternative AFS system.

Informative: Northern Gas Networks

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. The promoter of these works should contact Northern Gas Networks directly on 0800 040 776 (option 5) to discuss the requirements in detail. Should diversionary works be required these will be fully chargeable.

Discharge of Condition Fee

Under the Town & Country Planning (Fees for Applications and Deemed

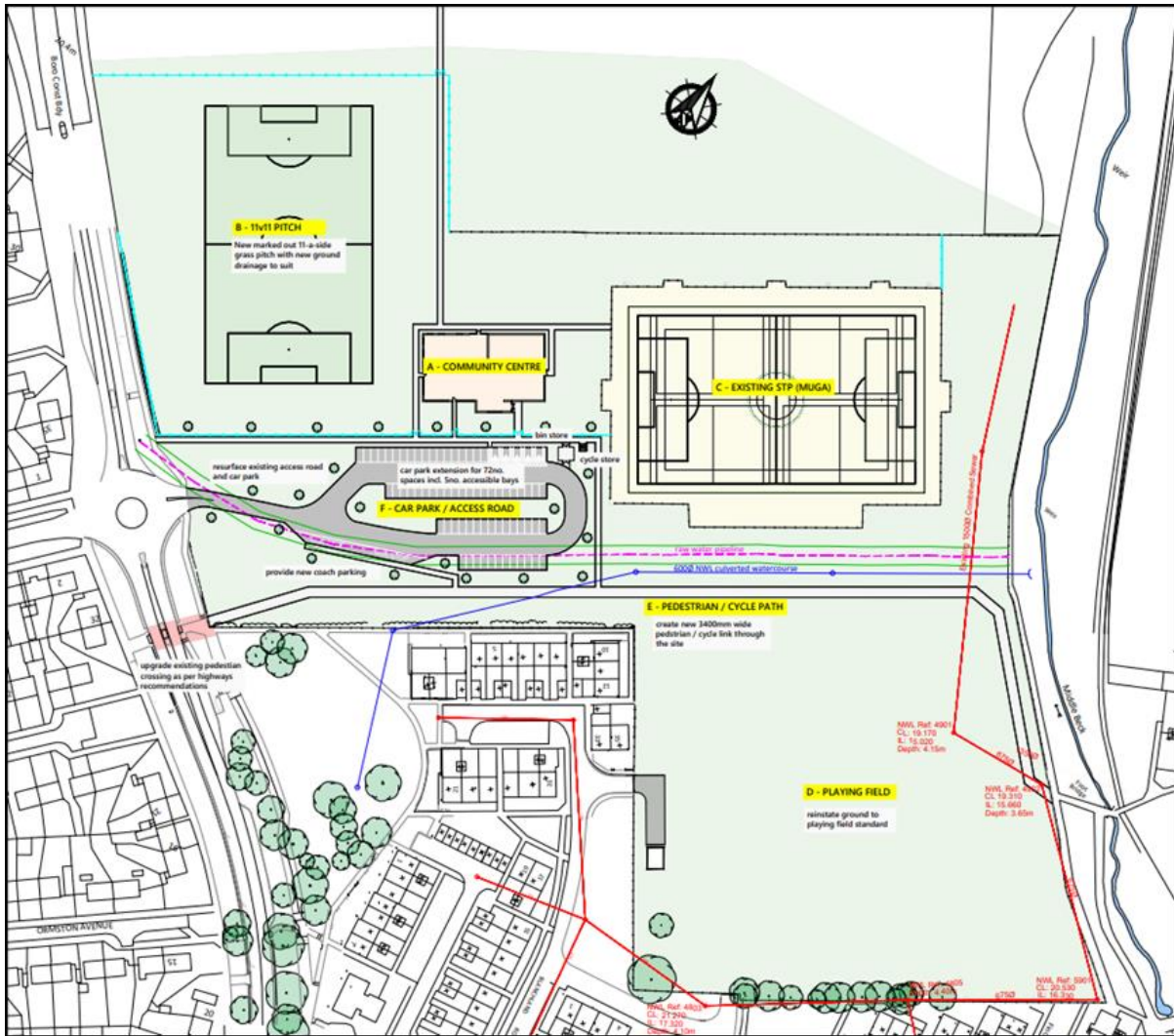
Applications)(Amendment)(England) Regulations 2018, the Council must charge a fee for the discharge of conditions. Information relating to current fees is available on the Planning Portal website

<https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>. Please be aware that where there is more than one condition multiple fees will be required if you apply to discharge them separately.

Case Officer: Peter Wilson

Committee Date: 05-Sep-2024

Appendix 1: Proposed Site Plan



Appendix 2: Location Plan



Appendix 3: Proposed Elevations

