

DELEGATED

AGENDA NO  
PLANNING COMMITTEE

20<sup>th</sup> MARCH 2013

REPORT OF CORPORATE DIRECTOR,  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES

13/0275/FUL

John Whitehead Park, The Causeway, Billingham  
Application for erection and installation of a Multi use games area (MUGA)

Expiry Date 4 April 2013

**SUMMARY**

This part-retrospective application seeks planning permission for the erection and installation of a Multi Use Games Area (MUGA) on a parcel of grassed/green space within John Whitehead Park. The scheme consists of an approximately 27m x 20m surface with the steel and mesh enclosure to the MUGA itself measuring approximately 25m x 18m.

Under the Council's Scheme of Delegation, the application is put forward for determination by the Planning Committee as the scheme does not constitute minor development.

The application site relates to John Whitehead Park, located along The Causeway within central Billingham (north of the town centre). The proposal will be sited in the south east corner of the site, to the north of the existing tennis courts. Residential properties are located beyond the park boundaries to the north and to the east with two residential properties within the park itself.

Three letters of objection have been received, along with two letters of representation that highlight a number of concerns. These objections and concerns include; the scheme would lead to anti social behaviour/crime/vandalism; adverse impact on car parking/traffic; impact on amenity and privacy including noise disturbance and impact on the drainage system/the site floods.

The proposed development is considered to be of an appropriate scale, design and layout for its setting and achieves satisfactory spacing from surrounding properties and is not considered result in any unacceptable impacts on residential amenity. The proposed scheme is also considered to be acceptable in terms of highway safety and the proposal satisfies the principles of the NPPF, and Core Strategy Policies CS3 and CS6.

**RECOMMENDATION**

That planning application 13/0275/FUL be approved subject to the following conditions and informatives below;

01 **Approved plans**  
***The development hereby approved shall be in accordance with the following approved plan(s);***

<b><i>Plan Reference Number</i></b>	<b><i>Date on Plan</i></b>
<b><i>F/4861/1</i></b>	<b><i>7 February 2013</i></b>
<b><i>SBC0001</i></b>	<b><i>7 February 2013</i></b>
<b><i>SBC0002</i></b>	<b><i>7 February 2013</i></b>

**Reason: To define the consent.**

**02. Finishing materials and layout**

***The finishing materials/colour scheme and layout of the Multi Use Games Area hereby approved shall be constructed, laid out and completed in accordance with the approved plans.***

***Reason; In the interests of the visual amenity of the surrounding area and for the avoidance of doubt.***

**03. Hours of construction**

***No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.***

***Reason: To avoid excessive noise and disturbance to the occupants of nearby properties.***

## **INFORMATIVES**

### **General Policy Conformity:**

The part-retrospective scheme has been considered against the policies and documents identified below. It is considered that the principle of development is acceptable and that the scheme accords with these documents as the proposed scheme does not lead to an unacceptable loss of amenity for existing and future occupiers of the surrounding neighbouring properties in terms of outlook, overlooking, overbearing and noise disturbance. It is also considered that the proposal does not create an incongruous feature within the surrounding area or lead to an adverse impact on its character and appearance. It is also considered that the proposal will not lead to a loss of highway safety and there are no material planning considerations, which indicate that a decision should be otherwise.

The following policies of the Adopted Core Strategy Development Plan Document (March 2010), the Saved Policies from the Adopted Stockton on Tees Local Plan (1997) and associated documents are considered to be relevant to the determination of this application

Core Strategy Policy 3 (CS3): Sustainable Living  
Core Strategy Policy 6 (CS6): Community Facilities

Open Space, Recreation and Landscaping Supplementary Planning Document (2009)

National Planning Policy Framework.

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework.

### **Surface Water and Sustainable Drainage Systems**

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS).

Surface water must be contained within the boundary of the site and must not cause any flooding to the Highway or properties.

## **BACKGROUND**

1. The submitted plans indicate that ground works to facilitate the base level had commenced on site in January 2013 but have since ceased after being advised that the proposed siting required planning permission (as opposed to the MUGA being located on the existing tennis courts where the re-surfacing of the tennis courts to facilitate the MUGA would have constituted permitted development). The application is therefore considered part-retrospective.

## **SITE AND SURROUNDINGS**

2. The application site relates to John Whitehead Park, located along The Causeway within central Billingham (north of the town centre). The proposal will be sited in the south east corner of the site, to the north of the existing tennis courts. A network of footpaths run throughout the park, which is enclosed by mature hedge planting and deciduous trees within the perimeter of the site. A sensory garden is located within the north east corner of the park with residential properties located beyond the park boundary to the north.
3. Beyond the boundary of mature hedge planting and tree planting to the east is the highway of Melrose Avenue with residential properties located beyond.
4. There are two residential properties identified within the park itself; No 1 John Whitehead Park is present to the far west of the site, adjacent to the Finchale Avenue entrance, and No 2 is adjacent to a café and tennis courts, to the south of the site. The main park entrance is present to the south of the site with access taken from The Causeway. A further access is present to the east with access from Melrose Avenue, which the applicant anticipates will be the main access to the site (by virtue of its proximity).

## **PROPOSAL**

5. This part-retrospective application seeks planning permission for the erection and installation of a Multi Use Games Area (MUGA) on a parcel of grassed/green space within John Whitehead Park. The scheme consists of an approximately 27m x 20m 'pad' with the steel and mesh enclosure to the MUGA itself measuring approximately 25m x 18m. The MUGA, as illustrated on the submitted plans, will consist of
  - \*two goal ends with a maximum height of 3m in the middle sections falling to 1.2m at the lowest point
  - \*1.2m high mesh fencing enclosing the MUGA
  - \*the basketball hoops at a maximum height of 3.85m
  - \*Line markings for the provision of football, basketball and limited cricket.
  - \*the finished colour scheme consists of a combination of red colour uprights and green colour mesh panels.
6. The scheme is constructed from a porous Tarmac material (Asphalt), with field drainage channels along the adjacent boundary to the MUGA. The applicant has confirmed that the scheme does not include any scheme for lighting.
7. The applicant has advised that the MUGA will be open to all, as per all the other MUGA's in the borough and does not require any booking. In terms of the management of the site, whilst not a material planning consideration, the submitted information indicates that the MUGA would be in view of a CCTV camera system that is planned to be installed as part of the development of the proposed skatepark to the south of the site and that the park is patrolled on a regular basis by enforcement agencies.

8. The indicative 'Sport in the Park' master plan for the south east corner of the park (contained within the submitted Design and Access Statement) indicates that the proposal would be linked to an existing network of footpaths via an additional section of footpath to link the MUGA. Such works can be carried out under permitted development by the Local Authority and as such no further details are required.

## **CONSULTATIONS**

9. The following Consultation responses have been received as set out below:-

### **Head of Technical Services**

#### General Summary

The Head of Technical Services has no objections to this application.

#### Highways Comments

There are no highway objections to the proposals.

#### Landscape & Visual Comments

There are no landscape objections to this development which will provide a valuable asset to enhance the park. It is understood that the council's tree officers are arranging the tree planting around the site so a planting plan is not required in this instance.

#### Flood Risk Management

There are no objections regarding this application. Surface water must be contained within the boundary of the site and must not cause any flooding to the Highway or properties.

### **The Environment Agency**

#### Environment Agency's Position

We have NO OBJECTIONS to the development as submitted. However, we have the following comments/advice to offer:

#### Surface Water - Advice to LPA/applicant

The Environment Agency recommend visiting <http://www.environment-agency.gov.uk/research/planning/82584.aspx> for standing advice regarding general surface water drainage issues.

#### Sustainable Drainage Systems - Advice to LPA/applicant

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality. Ponds, reed beds and seasonally flooded grasslands can be particularly attractive features within public open spaces.

### **Councillor Ann McCoy**

I have no objections to this planning application

**Councillor Barry Woodhouse**

I support this application

**Sport England**

As the proposal does not have any impact on sport facilities or playing field, Sport England has no comments to make.

**Stockton Police – Crime Prevention Design Advisor**

The Police have been involved in the whole process and are fully supportive of the scheme. Site visits have been conducted relating to CCTV coverage, lighting etc. any issues have been discussed with the Local Police team Inspector at Billingham and resolved.

**Environmental Health Unit**

I have no objection in principle to the development, however, I do have some concerns and would recommend the conditions as detailed be imposed on the development should it be approved.

**Construction Noise**

All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 p.m. on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

**PUBLICITY**

10. Neighbouring properties were notified of the application and any comments received are detailed below;

**Mr Neil Turnbull -19 West Avenue Billingham**

I have very large objections regarding this development, and find it staggering that, even though planning permission is being sought, work has already started. Is this standard procedure for the planning department or is this a given for a green light ?

The dates that Ann McCoy and Barry Woodhouse documented their approval was still after work had started.

From discussions I have had with several residents along Melrose Avenue, no consultation has been made to discuss this specific development and the potential issues and concerns that will develop due to this project.

Key discussion points:

1. Location of the development and additional noise pollution that will effect the lives of house holders and the devaluation of property's facing the park.
2. Could the new areas not have been located in the centre of the park to allow various access points rather than one end?
3. Additional Crime / anti-social behaviour area's so close to property's. I can hear the argument now "the park is closed on an evening". Please consider your answer very carefully, its not!
4. Installing a new football / play area on an area that floods every year. Again, could this not have been put on the central area of the park or even on the larger back field.
5. No consultation with the Environment Agency, which states in its environmental performance guideline and corporate plans to "protect and improve the environment - for people and wildlife".

I would request an urgent meeting with all relevant council parties and house holders along the Melrose Avenue road / park area to discuss the concerns around this planned development.

**Ms Melinda Hemstead - 18 Melrose Avenue Billingham**

Firstly I would like to comment on the fact that planning permission has been sought AFTER the site has been dug up ready to go! What does that tell you? No matter what objections are made, it will go ahead?!

There was no notification or has been since, of the blockage of the entrance to the park from Melrose Avenue - just a fence put across it after knocking down one of the gate pillars erected the previous year... The digging out of that area in front of residents' houses when there is ample room in the park to place it near the already extended recreational areas is unbelievable to be honest! I have no objection to the tennis courts being refurbished as they are in dire need of that and have always been there and the people who use it pose no anti social issues. In the last few years the residents of Melrose Avenue who live opposite the park have had the horror of the plan of a possible car park thrust in their views and now a hard surfaced area kick about..... Unfair I think...

We already face youths who throw stones and hurl abuse in the summer months - only last year I had my front room window shattered by stone throwing. Who will face the next bill I get for this?? Not me again I assure you. I can see no problem in having a hard surface area kick about - but NOT in front of residents housing. Why I would like to ask, is it being put in front of housing when there is ample areas with in the park AWAY from housing???

I would like that question answered please....

It appears the bowling area of the park have a huge circumference round them to any possibility of planning....The area chosen to 'already' begin building on floods every year....I would like to lodge my objection to the play area being situated where you are 'planning' to put it and to move it further into the park next to the already situated games areas.

**Kenneth Allison -14 Melrose Avenue Billingham**

My concern are privacy, traffic and noise pollution. The proposed area kick about wants moving to the other side (sic) of the park so that the noise won't disturb residential area.

**Linda Windridge -1 Melrose Avenue Billingham (representation)**

My concerns to the above proposal are first the present perimeter hedge. Although the gates are now locked nightly it is not stopping people getting in as they just walk through gaps in the hedge. If more facilities are put in the park this will only get worse. In summer nights the noise during the night from inside the park is unacceptable. A metal fence around the park is the only answer. Secondly is the issue of parking. There is no parking on The Causeway, in summer months Finchale Avenue is congested with bowling green parking and Melrose Avenue and Tintern Avenue has parking problems with the doctors surgery and on occasions St Aidan's church.

**C D And M Saunders - 2 Tintern Avenue Billingham (representation)**

Whilst we are much aware that JWP badly needs renovating, also the tennis courts have needed replacing for years (lowering the tone of that fine facility) I wonder worryingly if more play facilities, skate park etc will attract more jobs, drugs and trouble within the park also the vandalism that already exists to our once highly rated and lovely area, we already have taxis running business and reversing on our greenery causing mud piles over drives, grass verges etc so we would hope in your plans (as the town centre) if ever they come to fruition the area is properly POLICED.

**PLANNING POLICY**

11. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning

permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan

12. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations
13. The following planning policies are considered to be relevant to the consideration of this application:-

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

8. Additionally, in designing new development, proposals will:

- \_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
- \_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
- \_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
- \_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

Core Strategy Policy 6 (CS6) - Community Facilities

1. Priority will be given to the provision of facilities that contribute towards the sustainability of communities. In particular, the needs of the growing population of Ingleby Barwick should be catered for.
2. The quantity and quality of open space, sport and recreation facilities throughout the Borough will be protected and enhanced. Guidance on standards will be set out as part of the Open Space, Recreation and Landscaping Supplementary Planning Document.
3. Existing facilities will be enhanced, and multi-purpose use encouraged to provide a range of services and facilities to the community at one accessible location, through initiatives such as the Extended Schools Programme.

National Planning Policy Framework

14. Paragraph 14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking;
15. For decision-taking this means:
  - approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-
  - specific policies in this Framework indicate development should be restricted.

## **MATERIAL PLANNING CONSIDERATIONS**

16. The main planning considerations with respect to this application are the principle of development, the impact on the character and appearance of the surrounding area, the impact on the amenity of neighbouring properties and the impact on highway safety. These and any other residual matters are considered as follows;

### **Principle of the development**

17. The proposal relates to the installation of a sports facility within an established park, within the Limits to Development as defined by the saved Local Plan. The site is located within walking distance of large residential areas and close to public transport routes. As such the site is considered to be sustainable and accords with the general provisions of the National Planning Policy Framework.

18. With respect to the requirement for the MUGA, the preamble to Core Strategy Policy CS6 (Community Facilities) notes;

*"provision of and access to facilities underpin a number of Sustainable. Community Strategy strands. Promoting health, well-being and achievement of children and young people involves good quality education and training facilities, together with chances for young people to enjoy culture, sport and leisure opportunities...Encouraging residents to live a healthy lifestyle involves the provision of facilities to encourage regular exercise taking and to maximise the opportunities provided by the natural landscape of the Borough to improve their health".*

19. As such, the criteria of Policy CS6 states that;

1. *Priority will be given to the provision of facilities that contribute towards the sustainability of communities*
2. *Opportunities to widen the Borough's cultural, sport, recreation and leisure offer;*
3. *The quantity and quality of open space, sport and recreation facilities throughout the Borough will be protected and enhanced;*
4. *Existing facilities will be enhanced, and multi-purpose use encouraged to provide a range of services and facilities to the community at one accessible location*

20. Within the Council's Open Space, Recreation and Landscaping Supplementary Planning Document (2009), Billingham is identified as not meeting the quantity standards for play/young people's areas (which includes MUGAs).

21. Furthermore and as part of a strategic Council scheme, the Green Infrastructure Delivery Plan shows a wide range of projects which could be delivered by Stockton Borough Council or other organisations, to address the objectives set out in the Stockton-on-Tees Green Infrastructure Strategy. The development of a MUGA at the current application site is identified within the Delivery Plan (key reference IM52). The site is also located within 1 km (the proximity standard) of an area of Billingham that is deficient in play space.

22. Sport England has been consulted on the application and has raised no objections to the scheme.

23. In view of the above Policy considerations, it is considered that the proposed MUGA would be located within a suitable location and that the proposal would satisfy the provisions of Core Strategy CS6 in terms of providing recreation facilities and the principle of development is therefore considered to be acceptable, subject to the proposed scheme satisfying other material considerations as set out below;



### **Impact on character and appearance of site and surrounding area.**

24. The proposed MUGA would be situated approximately 17m from the nearest boundary (east) with the presence of mature hedge and sporadic, deciduous tree planting along the boundary. Furthermore, the overall scheme for the park includes new tree planting that would be planted to the south of the MUGA. Whilst not considered to be essential to safeguard the visual amenity of the surrounding areas for the current proposal, it is nonetheless considered that the tree planting will assist in breaking up views from surrounding areas and the network of footpaths through the park.
25. Furthermore, in view of the modest scale and design of the scheme, which is considered to respect the proportions and layout of the park, it is considered that the proposal will not result in an adverse loss of visual amenity or adversely affect the character and appearance of the park or surrounding areas. It is further considered that the siting of the MUGA is logical both in terms of its proximity to planned development in the south of the park and the pedestrian access to the east of the site from Melrose Avenue.
26. Objections and concerns from residents state that the MUGA should be re-located more centrally within the site. Notwithstanding this, the application needs to be considered as submitted. The LPA has been advised that the siting of the MUGA has arisen from the applicant's own consultations with a stakeholder group and of three design options that were produced, the current application site was the preferred option.
27. The Council's Landscape Officer has raised no objections to the scheme, commenting that *"that the council's tree officers are arranging the tree planting around the site so a planting plan is not required in this instance"*.
28. In view of the above considerations, the siting of the MUGA is considered to be acceptable and will not cause significant harm to the character of the surrounding area.

### **Impact on amenity of neighbouring properties**

29. The proposal will be sited approximately 17m from the nearest boundary of the site, which features mature hedge planting and sporadic, deciduous tree planting. A busy highway (Melrose Avenue) is situated beyond the eastern perimeter of the site, with the front elevations and front garden areas of the nearest residential properties (10-24 Melrose Avenue, evens) situated approximately 60m away from the site. No's 2-8 (evens) are located approximately 65m from the south east of the proposed MUGA and No's 26-30 (evens) are sited over 80m to the north west of the MUGA. The proposed MUGA will also be sited approximately 140m from the nearest properties to the north of the site (along Tintern Avenue and Melrose Avenue), with mature planting along the northern perimeter of the site. Beyond the existing tennis courts to the south of the site is a busy highway (The Causeway) with the nearest properties located over 200m from the application site.
30. As noted above, there are a small number of identified residential properties within the park itself. These include No 1 John Whitehead Park situated approximately 200m to the west of the site and No 2 John Whitehead Park, situated approximately 70m to the south west of the site with the presence of a café in between.

In view of the above referenced separation distances to residential properties, the modest design and scale of the proposal and the fact that the MUGA will be sited within an established public park it is considered that the proposed scheme will not result in an unacceptable loss of amenity for neighbouring land users in terms of outlook, overlooking, overbearing and noise disturbance.

31. The Council's Environmental Health Unit has been consulted on the application and has raised no objections subject to controls on the hours of construction/deliveries to the site. Notwithstanding the part-retrospective nature of this application, it is considered that the condition is necessary in relation to the remaining works on site and is recommended accordingly.
32. The applicant has also confirmed that the proposed scheme will not feature any lighting. It is also noted that the park gates are locked every night at 1700 hours during winter months and 2100 hours during summer months. By virtue of no lighting being provided and the gates being locked, it is considered that the use of the MUGA would be limited to the hours of the park being opened and daylight. It is therefore considered that the proposal will not result in an adverse loss of amenity in terms of light intrusion.
33. An objection from 19 West Avenue and the representation from No 1 Melrose Avenue have commented that there are gaps within the perimeter hedge of the park allowing access to the park when the gates are locked. The representation from No 1 Melrose Avenue has suggested that a steel fence is erected around the perimeter of the site. Whilst these comments are noted, this matter has been referred to the applicant for their attention as this is a management issue and not a material planning consideration in respect to the current proposal. The Countryside and Greenspace section have advised that it is something that will be considered as part of the overall management of the park.

#### **Highway safety**

34. Objections and concerns have been received relating to the increase in on street parking, primarily along Melrose Avenue. In response, the applicant has commented;

*"We have built and installed a number of MUGA's over the past few years in a variety of parks and greenspaces and have not seen an increase in parking in or around those areas. MUGA's offer a year round facility that enables local children and young people to take part in informal spots like basketball, cricket and football; they are regarded as doorstep facilities that serve an immediate local population, with users unlikely to travel a great distance to use them".*

35. The Head of Technical Services has assessed the application and has raised no objections to the scheme. It is therefore considered that the proposal will not result in an adverse impact on highway or pedestrian safety.

#### **Residual Matters**

##### Matters of flooding

36. Objections from No's 18 Melrose Avenue and 19 West Avenue have commented that the site is prone to flooding, the proposal will worsen existing drainage problems and that the Environment Agency (EA) should have been consulted. The footprint of the MUGA is constructed from a porous base with a top layer of tarmac material and provision of a field drainage channel. The EA has raised no objections to the proposal but has provided some advisory comments regarding the use of sustainable urban drainage systems, which are added as an informative.
37. The Council's Water Management Section has also assessed the application and has raised no objections to the scheme, but has commented that surface water must be contained within the boundary of the site and must not cause any flooding to the Highway or properties. The applicant has been made aware of this and again this is included within an informative.
38. In view of the above comments and the application site falling outside of Flood Zones 2 and 3, it is considered that further matters relating to general drainage of the park are separate considerations to the current application.

### Consultations undertaken

39. The objection from No 19 West Avenue has commented that insufficient community consultation has been undertaken (primarily by the applicant) on proposals for the park. Whilst these comments are noted, the Local Planning Authority has consulted the relevant neighbouring properties in addition to the display of a site notice at the site entrance adjacent to Melrose Avenue. Such consultations for the current planning application are therefore considered to be acceptable.

### Community Safety Implications/Anti-social behaviour

40. Issues such as fear of crime and a scheme increasing anti-social behaviour/vandalism in an area are based on assumptions and not supported by evidence as to the characteristics of the future occupiers or users of facilities and should therefore not be taken into account in the determination of this proposal.
41. Section 17 of the Crime and Disorder Act 1998 places a duty on the authority to consider the crime and disorder implications of the proposal. A number of objections and representations received have raised concerns that the proposed scheme will lead to an increase in crime/vandalism and anti-social behaviour in the area through increased activity. Whilst there is no evidence to link such issues to the proposed use, any potential problems arising from this behaviour can be dealt with by other methods such as the police service or community enforcement section and would not be a reason to warrant refusal of the application. Furthermore, Stockton Police have been consulted on the application and are fully supportive of the scheme following their involvement in the process. The Police's Crime Prevention Design Officer has commented that site visits have been conducted and any issues have been discussed with the Local Police team Inspector at Billingham and are considered to have been resolved.
42. The provisions of Section 17 of the Crime and Disorder Act 1998 have therefore been taken into account in the preparation of this report.

### Other matters

43. Property devaluation is not a material planning consideration. With respect to other ongoing works within the park and the resultant disruption, this is not material to the assessment of the current application.
44. With respect to an increase in litter, it is noted that there are a number of waste bins within the park. The Council's Environmental Health Unit has raised no objections to the scheme in this respect. It is therefore considered that the matter of litter within the park is a management issue.
45. Whilst the Local Planning Authority does not condone retrospective or part-retrospective planning applications, the applicant was made aware that planning permission was required for the scheme after works had commenced and subsequently stopped works. The current application has been submitted in order to seek to regularise the situation.

## **CONCLUSION**

46. The proposed development is considered to be of an appropriate scale, design and layout for its setting and achieves satisfactory spacing from surrounding properties and is therefore considered to not result in any unacceptable impacts on amenity associated with neighbouring land users. The proposed scheme is also considered to be acceptable in terms of highway safety with respect to the proposed access and parking has been made. The proposal satisfies the principles of the NPPF, and Core Strategy Policies CS3 and CS6 and therefore the proposals are considered acceptable. The application is therefore recommended for approval.

47. It is recommended that the application be Approved with Conditions for the reason(s) specified above.

**Corporate Director of Development and Neighbourhood Services  
Contact Officer Mr Daniel James Telephone No 01642 528551**

**WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Billingham Central</b>
<b>Ward Councillor</b>	<b>B Woodhouse</b>
<b>Ward</b>	<b>Billingham Central</b>
<b>Ward Councillor</b>	<b>Ann McCoy</b>

**IMPLICATIONS**

**Financial Implications:** as report

**Legal Implications:** as report

**Environmental Implications:** as report

**Human Rights Implications:**

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report. The detailed considerations within this report take into account the impacts on residential properties, occupiers, visitors to the area, pedestrians and other relevant parties responsible for, or with interests in the immediate surrounding area.

Consideration has been given to the level of impact and mitigating circumstances with conditions being recommended to reduce the impacts of the scheme where considered to do so.

**Community Safety Implications:**

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report. Within this report consideration has been given to implications in respect of community safety including the impact of traffic and transport.

**Related Papers;**

Green Infrastructure Delivery Plan, details of which can be viewed on [www.Stockton.gov.uk](http://www.Stockton.gov.uk).