
APPLICATION DETAILS

Application No:	17/0119/FUL
Location:	Former Tennis World Marton Road Middlesbrough TS4 3SA
Proposal:	Residential development comprising 23no dwellings
Applicant:	Mr Stephen Jackson
Agent:	Miss Michelle Etheridge
Ward:	Marton East
Recommendation:	Approved with Conditions

SUMMARY

This application seeks consent for the erection of 23 residential dwellings and associated works. The application site is allocated for housing development within the Housing Local Plan.

Following a consultation exercise objections were received from residents from 22 local properties, the Community Council and the Ward Councillors. A petition was also received in objection to the application.

It is considered that the proposed development would provide a good mix of dwelling types which are considered to be of high quality design in an attractive setting with an appropriate layout and ancillary works. The development will not result in any significant detrimental impact to the amenities of existing local residents or the highway network. The development meets the requirements of the relevant national planning policies detailed within the NPPF and Local Plan Policies, specifically H11, H12, H20, CS4, CS5 and DC1. The recommendation is for approval of the application subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

Land at Tennis World, Middlesbrough. The application site comprises 0.99ha of mainly brownfield land. The site is "L" shaped and was formerly part of the Tennis World site, it is located to the north of Ladgate Lane and Stewart Park, to the south and east of the current Tennis world complex, and to the southwest of the existing residential development known as Ladgate Park.

This application seeks consent for the erection of 23 no. residential dwellings and associated works. The 23 dwellings consist of:

- a) 2 no. detached 4 bed dwellings;
- b) 11 no. detached 4 bed dwellings;
- c) 6 no. semi-detached 3 bed dwellings; and,
- d) 4 no. semi-detached 2 bed bungalows.

The 15% affordable housing requirement will be provided through an off-site contribution which will be deducted from the capital receipt.

The dwellings are contemporary in their design incorporating modern flat roofed dormer windows, bay windows, brick and render detailing, mixed materials, gable elevations and integral garages. Access to the site is proposed from Stewart Park Avenue off Alan Peacock Way, through the adjacent housing development to the east.

In support of the application the applicant has submitted the following documents:

- a) Planning Statement
- b) Design and Access Statement
- c) Ecological Assessment
- d) Noise Assessment
- e) Transport Statement
- f) Tree Survey
- g) Arboricultural Assessment
- h) Geoenvironmental Appraisal
- i) Sustainability Statement

PLANNING HISTORY

No relevant planning history

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(s) 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:

- 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.*

The following documents together comprise the Development Plan for Middlesbrough;

Middlesbrough Local Plan;

- *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).*

The overarching principle of the National Planning Policy Framework (NPPF) is to support sustainable development, and that it should go ahead without delay. It defines the role of planning in achieving economically, socially and environmentally sustainable development and recognises that each are mutually dependent. The NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles', which can be summarised as follows:

- *Being plan led;*
- *Enhancing and improving areas;*
- *Proactively drive and support sustainable economic development to deliver homes, business, industry and infrastructure and a thriving local economy;*
- *Always seek a high quality of design and good standard of amenity for existing and future occupants;*
- *Take account the different roles of areas, promoting the vitality of the main urban areas whilst recognising the intrinsic character of the countryside;*
- *Support the transition to a low carbon future, taking full account of flood risk, resources and renewables;*
- *Contribute to conserving and enhancing the natural environment;*
- *Encourage the effective use of land;*
- *Promote mixed use developments;*
- *Conserve heritage assets in a manner appropriate to their significance;*
- *Actively manage patterns of growth making fullest use public transport, walking and cycling and focus significant development in sustainable locations; and*
- *Take account of local strategies to support health, social and cultural well-being and deliver community and cultural facilities to meet local needs.*

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

DC1 - General Development
 CS4 - Sustainable Development
 CS5 - Design
 H11 - Housing Strategy
 H12 - Affordable Housing
 H20 - Prissick
 UDSPD - Urban Design SPD

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

CONSULTATION AND PUBLICITY RESPONSES

The application has been advertised in the local press, site notices posted and consultations sent to statutory consultees, local residents, Ward Councillors and Community Council.

Following the consultation exercise 22 no. objections were received from 27 no. properties. A petition against the application was also received. The petition is signed by 111 no. residents from 66 no. properties, of which 20 no. wrote separate objections. As a result residents from a total of 68 no. properties objected to the development.

The resident objections are summarised below:

- a) Residents were not informed by Avant Homes, the Council or their solicitors that:
 - a. there would be a neighbouring development;
 - b. the access would be through the Avant site;
 - c. the hospital car park would be accessed through the Avant site; and,
 - d. the proposal to build a large school in the area.
- b) Already significant amount of traffic on site to sports village, James Cook Carpark.
- c) Potential danger to children from traffic
- d) Stewart Park Avenue is not wide enough for an increase in traffic
- e) Future plans for development accessed off through Avant site
- f) Alan Peacock Way is already heavily used making it difficult for residents to access their streets.
- g) Inadequate parking provision
- h) Existing parking issues at Ladgate Park site
- i) Reduced visibility for residents reversing from drives on Stewart Park Avenue
- j) Purchased house because it was on a cul-de-sac
- k) Emergency vehicles will not be able to access the site due to parked cars
- l) Existing anti-social behaviour issues will increase
- m) There is no need for a further pedestrian access to Ladgate Lane, it will only create more anti-social behaviour
- n) Not in keeping with the area - lower quality than Ladgate Park
- o) Existing noise issues from Tennis World, the loss of trees will make this worse.
- p) Conflict with Local Plan
- q) Increase in pollution
- r) Loss of privacy
- s) Strain on existing community facilities
- t) Bat habitat
- u) The Council should have an independent bat survey, not one carried out by the 'preferred developer'
- v) Gus Robinson appear to be pre-selected by the Council and as they will financially benefit will of course prepare a report that is not independent
- w) Impact on ecology
- x) Impact on wildlife
- y) Loss of trees
- z) Lack of consultation
- aa) Reduce the value of properties
- bb) Proposed houses not good quality, high value detached properties as detailed in the Development Guidance Note Land at Tennis World Site - i.e. they are not quality dwellings primarily 3 and 4 bed detached properties.
- cc) Bungalows are not family houses
- dd) Why give any of the money to Tennis World if the whole site is going to be housing.
- ee) An access cannot be created between the proposed development and Stewart Park Avenue because within my Avant contract my property benefits from an absolute and unconditional right to use the footpaths on Ladgate Park and creating an access road will involve removing part of the footpath.
- ff) Construction vehicles will cause unacceptable nuisance
- gg) Will the new residents contribute to the up keep of the common areas at Ladgate Park which they will benefit from?

- hh) Over development
- ii) Close to adjoining properties
- jj) General dislike of proposal
- kk) More open space needed
- ll) Information missing from plans
- mm) Not enough information given on the application
- nn) Potentially contaminated land
- oo) Potential for asbestos on courts
- pp) Loss of amenity
- qq) Conflict of interest with sale of Council land and Members involvement with Tennis World
- rr) Planning approvals should not be given subject to further assessments as this indicates that all further surveys / reports will merely justify Council decisions as the assessments are carried out by parties including the Council who have a financial interest in the decision making process.

The objections were received from the following properties:

1. 10 Stewart Park Avenue
2. 12 Stewart Park Avenue
3. 17 Stewart Park Avenue
4. 18 Stewart Park Avenue
5. 21 Stewart Park Avenue
6. 22 Stewart Park Avenue
7. 27 Stewart Park Avenue
8. 28 Stewart Park Avenue
9. 29 Stewart Park Avenue
10. 30 Stewart Park Avenue
11. 31 Stewart Park Avenue
12. 34 Stewart Park Avenue
13. 39 Stewart Park Avenue
14. 40 Stewart Park Avenue
15. 2 Alan Peacock Way
16. 6 Alan Peacock Way
17. 2 Park Wynd
18. 12 Park Wynd
19. 14 Park Wynd
20. 18 Park Wynd
21. 32 Park Wynd
22. 33 Park Wynd

Northumbrian Water - no objection subject to a condition to ensure development is implemented in line with the drainage scheme.

Northern Gas Networks - no objection, if approved the applicant must contact Northern Gas Networks directly to discuss requirements in detail

Northern Powergrid - objected to the development as a result of concerns regarding their liability in relation to noise from the sub-station on the proposed dwellings. Discussions with NPG continued during the course of the application. The proposed noise mitigation measures have been revised.

Refuse - no objection, bins must be taken to the adopted highway for collection

Planning Policy - no objection

Transportation - no objection subject to relevant conditions

Lead Local Flood Authority - no objection subject to relevant conditions

Environmental Health - no objection subject to conditions

Conservation - no objection, not concerned about the impact this proposal will have on Stewart Park, providing the existing mature planting and traditional railings to Ladgate Lane are retained.

Secured by Design - recommend applicant actively seek to develop to accredited Secured by Design Standards. Police Architectural Liaison Officer is available for advice / guidance in relation to designing out opportunities for crime and disorder to occur in the future. Advice given to applicant in relation to lighting, boundary enclosures, pedestrian access.

Marston East Community Council - object

- a) there would be more traffic congestion on Stewarts park Avenue and the surrounding area due to the sports village and the hospital car park will be made worse if more houses are built;
- b) long standing mature trees will have to be removed to make way for these houses;
- c) residents have concerns about habitat in the area should these house go ahead;
- d) that the entrance to this new site goes through an already established site where a lot of children play; and,
- e) we feel concerned about the consultation procedure

Ward Councillors - object

- a) Traffic congestion on Stewarts Park Avenue and the surrounding area due to the sports village and the hospital car park will be made worse if more houses are built.
- b) Mature trees will be removed to make way for these houses.
- c) Concerns regard the habitat in this area
- d) The entrance to this new site goes through an already established site were children play
- e) We have concerns regarding the consultation procedure

Public Responses

Number of original neighbour consultations	57
Total numbers of comments received	27
Total number of objections	27
Total number of support	0
Total number of representations	0

Site notice posted –
15th March 2017

PLANNING CONSIDERATION AND ASSESSMENT

1. The planning application before Members is a full application for the development of 23 dwellings and associated works including roads, drainage and landscaping. The principle issues to be considered in respect of this application centre upon the appropriateness and sustainability of the site, the drainage infrastructure, the impact on the highway network, the design, scale and layout of the dwellings, the parking provision and internal highway layout, and the landscaping.

2. The comments received will be discussed throughout this report. Those comments that are not material planning considerations cannot be considered when determining this application, these include:
 - a) Conflict of interest with sale of Council land and Members involvement with Tennis World
 - b) Why give any of the money to Tennis World if the whole site is going to be housing.
 - c) Reduce the value of properties
 - d) Anti-social behaviour
 - e) Existing parking issues at Ladgate Park site
 - f) Residents were not informed by Avant Homes, the Council or their solicitors that:
 - a. there would be a neighbouring development;
 - b. the access would be through the Avant site;
 - c. the hospital car park would be accessed through the Avant site; and,
 - d. the proposal to build a large school in the area.
3. The Local Planning Authority sits separate to the Council as landowner. As landowner the Council is able to dispose of land, any applications for the development of the land will be considered by the Local Planning Authority in line with legislation and national and local policies. The application will be determined by the Local Planning Authority which consists of Officers within Planning Services and Members of the Planning and Development Committee.
4. Although the comments relating to the lack of information about the site prior to the purchase of properties on the adjacent site, are not a material consideration it is worth noting that Information relating to the proposed development has been publically available for a number of years. The site has been allocated for housing within the Housing Local Plan since November 2014 and the formal disposal of the site commenced in December 2015.
5. During the application process concerns were raised about the lack of pre-application consultation carried out by the developer and requests were received to require the developer to carry out the process again to further properties. The developer carried out some pre-application consultation in the form of a letter drop to those residents on the access road to the development site and to some residents on Marton Road, 4 responses were received from residents. Following submission of the application the Local Planning Authority consulted properties on the adjacent housing development. As a result it was not necessary for the developer to carry out any further consultation following the submission of the application.
6. Following comments received from consultees the scheme has been revised to reflect the advice from Conservation, Environmental Health and secured by design. Part of the revision included alterations to the site boundary around the existing substation which has been moved 5m further away from the substation. As a result consultations were sent out again giving another 3 weeks to residents and statutory consultees to make any further comments.
7. No additional comments were received those comments originally received will be considered in relation to the revised scheme.

Policy

8. The application site is allocated in the Housing Local Plan (HLP) for residential development, where Policy H20 applies. The application site forms part of a larger site identified in Policy H20 for an indicative minimum of 50 dwellings.
9. The principle of residential development on the application site has been established by Policy H20. The Policy also requires that the dwellings should be well designed with internal road access from the former Prissick Depot site. The application proposes access from the adjacent Ladgate Park development on the site of the former Prissick Depot in line with the policy requirements.
10. Policy H20 requires a prominent gateway building at the junction of Marton Road and Ladgate Lane. This part of the allocation site is not within the boundary of the application site and as such is not relevant to the consideration of the application.
11. Policy H20 also advises that development will need to take account of the electricity sub-station. A noise assessment has been submitted in support of the application which proposes a 6.5m acoustic barrier around the sub-station. Further mitigation is also proposed at the dwellings.
12. Development Guidance was adopted by the Council for the application site, though it does not have any formal planning status. The Development Guidance Note is not a Supplementary Planning Document and as such, should be given less weight than an SPD in determining planning applications. Its status is that of informal guidance that sets out broad development principles for the site. It is not a prescriptive document.
13. The non-prescriptive nature of the guidance note is made clear in para 4.5 of which states "forms of residential development other than those detailed in paragraph 4.1 would be assessed on their merits with quality and distinctiveness of design and the relationship with adjacent development key considerations". It is clear from this text that forms of housing development other than high value 3 and 4 bed semi and detached family housing would also be considered on the site. As such an application should not be refused as a matter of principle solely because it includes 2 bed bungalows or properties of a different sales price point.
14. Para 4.6 states 'Development must consider the specific elevational treatment of the individual dwelling types to give it a clear identity and character, whilst complementing - not copying the existing styles and character of the local area to ensure architectural detailing is legible and coherent'. The guidance, therefore, makes clear that the housing on the application site does not have to be a copy of that provided at the adjoining Ladgate Park development.
15. The guidance also makes clear at para 4.2 that the identified capacity of the site is approximately 20 dwellings but that final capacity is likely to be an outcome of developer's market research, dwelling mix and design approach and that achieving distinctive high quality design is of overriding importance. As such, the guidance note does not prevent development of more than 20 dwellings. This paragraph re-iterates that alternative dwelling mixes will be considered.
16. Policy H12 requires housing developments in this location, and of the scale of the application site, to provide a 15% off-site affordable housing contribution. The Development Guidance advises that this will be dealt with as a 15% contribution from the capital receipt. This meets the needs of policy H12.
17. It is considered that the proposed development meets the requirements of policies H11, H12 and H20. There are no planning policy objections to the application.

18. The application will be assessed in relation to the policies relating to design, sustainability and general development principles through the remainder of this report.
19. In relation to the comments that have been received regarding the use of conditions on planning applications. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
20. Planning legislation enables Local Planning Authorities to attach conditions to planning permissions. Paragraph 203 states "Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions." When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development.
21. Conditions can require works to be carried out prior to the commencement of development and to ensure that developments are carried out in accordance with the recommendations and mitigations detailed within submitted reports and surveys.

Highways

22. The proposed development comprises 23 dwellings, accessed via Stewart Park Avenue. The proposed residential development will, effectively, form an extension, in Highway terms, of the existing (Ladgate Park) residential development immediately to the east, with all vehicular traffic entering and leaving via the junction of B1380 Ladgate Lane and Alan Peacock Way.
23. The planning application for the wider Prissick site (ref. M/GRG/0899/13/P, approved on 12th February 2014) was supported by a Transport Assessment that took into account the number of dwellings proposed on the site as a whole, including the Tennis World site. This Assessment was reviewed earlier this year to take into account an increase in the total number of dwellings due to the increased allocations for the Marton Avenue and Brackenhoe East sites, and was found to be still fit for purpose. As a result the Highway Authority are satisfied that the proposed development will not have a detrimental effect in either capacity or safety terms on the operation of the local highway network.
24. The proposed development comprises a variety of house types, ranging from 2 bed bungalows to 4 bed detached dwellings. Based on the maximum parking standards set out in the Tees Valley Design Guide and Specification, there will be an overall shortfall of eight in-curtilage parking spaces. However, the proposed road layout means that some of this shortfall can be accommodated on street without impacting negatively on traffic movements within the site or spilling over into the adjacent site.
25. The Design & Access and Transport Statements submitted in support of the application highlight the accessible nature of the site and the fact that it is well served by public transport, particularly given the proposed pedestrian link to the bus stops on Ladgate Lane. The site is also located directly adjacent to the recently constructed Ladgate Lane cycle route, and is easily accessible on foot. Taking these

factors into consideration, the Highway Authority is satisfied that a relaxation in the maximum parking requirement is justified.

26. The proposed footpath link to Ladgate Lane is desirable from a Highway perspective to provide a pedestrian link to the bus stop. Objections have been raised with regards to this link and anti-social behaviour at the site, the neighbouring development and the wider Middlesbrough Sports Village site.
27. The access point has been considered by the Police Architectural Liaison Officer who advised that it should be as wide and open as possible (not enclosed between boundary fences) and should have properties facing it to provide natural surveillance. The proposed gap in the existing trees to provide the pedestrian link is approximately 6m wide, this is considered to be acceptable in planning terms and will provide clear views from Ladgate lane into the site. The proposed dwellings which are located adjacent to the pedestrian link face the access point providing the necessary surveillance to the area. It is considered that the placement and design of the pedestrian link meets the needs of policies CS4 and CS5.
28. Although not a material planning consideration, concerns have been expressed regarding the means of access to the site by construction vehicles should planning permission be granted. There may be scope for these vehicles to reach the site by means of a temporary access direct from Ladgate Lane, provided that such movements are strictly controlled in order to minimise any negative impact on the operation of the surrounding highway network, particularly during the AM and PM peak periods. The practicality of such an arrangement will need to be explored and, if viable, the detailed arrangements agreed with the Highway Authority prior to the start of works on site.
29. An objection has been received stating "an access cannot be created between the proposed development and Stewart Park Avenue because within my Avant contract my property benefits from an absolute and unconditional right to use the footpaths on Ladgate Park and creating an access road will involve removing part of the footpath."
30. Stewart Park Avenue will be formally adopted in due course. The section of footpath at the western end of Stewart Park Avenue will be removed to allow vehicular access to the new development. The comments appear to be suggesting that the roads and footpaths within the existing Avant homes development have to be maintained in perpetuity, and that there is no scope within the contract that purchasers signed with Avant Homes for any of these roads and footpaths to be altered in any way. This is not the case. Once adopted, the Highway Authority is able to alter the existing layout provided that it consults as necessary beforehand and follows the correct legal processes before carrying works out on site.
31. In Highway terms, for the reasons detailed above it is the planning view that the proposed development accords with the requirements of policies CS4, CS5 and DC1.

Flood Risk and Drainage

32. The site is not located within flood zone 2 or 3. A sustainable drainage scheme has been submitted as part of the application documents. The drainage scheme includes the use of swales adjacent to the highway. The sustainable drainage infrastructure will help to reduce the flood risk throughout the site.
33. The Lead Local Flood Authority and Northumbrian Water, as the statutory drainage authorities, have been consulted and have raised no objections subject to the imposition of the conditions. The proposed development accords with the principles of Policies CS4 and DC1.

Environmental Health

34. The Council's Environmental Protection Team have considered the application in relation to noise, air quality and site contamination. Should the application be approved conditions are required to deal with site contamination and to ensure that the development is carried out in accordance with the noise assessment. The proposed development accords with the principles of policies CS4 and DC1 in this regard subject to the imposition of the conditions as recommended.

Amenity

35. The proposed residential dwellings are adjacent to existing dwellings and Tennis World, the application must be assessed in relation to the amenity of the existing residents and the future residents of the proposed dwellings.
36. The proposed dwellings are located to the southwest of existing properties. The proposed layout positions the dwellings with their rear elevations facing the gable elevations of the existing dwellings, the separation distances range from 10m to 13m for the two storey dwellings. At the point where a proposed dwelling is 10m away from the gable elevation of an existing dwelling the dwellings garage has been placed at the closest point, the properties then taper away from each other. No primary windows are located on the side elevations of the existing dwellings.
37. Where the separation distances from rear elevations to gable elevations falls short of 10m bungalows are proposed. The separation distances from the bungalows to the existing dwellings is 8m. The use of bungalows reduces the scale and appearance of the dwellings and the subsequent impact that they have on the existing dwellings.
38. The application site currently has a number of large trees located adjacent to the existing dwellings. These trees prevent a large amount of sunlight from reaching the front and rear elevations of the existing dwellings due to their height and proximity to the dwellings. The proposed development will result in the removal of the trees to allow for the development. As a result the proposed dwellings, set off the boundary with the existing dwellings will have a lesser impact on sunlight to the existing dwellings than the current circumstances.
39. It is therefore considered that the proposed dwellings will not have a significant detrimental impact on the privacy or light to existing premises in accordance with policy DC1 and the Urban Design SPD.
40. Internally within the proposed development the layout is such that dwellings are orientated front to front and rear to rear facing. The separation distance at the shortest point is 20m, it is considered that this is acceptable in planning terms.
41. Given that the reduced separation distances both within the development and to existing dwellings it is appropriate to place conditions on the development removing the permitted development rights to extend the dwellings. This will enable the Local Planning Authority to control any future developments at the site to prevent extensions to dwellings having further impacts on the amenity of adjacent properties.
42. During the consultation process comments were received regarding the height of the boundary treatments. As a result the applicant raised the height of boundary fences between properties and those which abut the existing tree belt to the south of the site which is to remain under the proposed scheme. This increase in height provides further privacy to the proposed dwellings and is in line with secured by design principles.

43. As detailed above Environmental Health have considered the proposed development with particular attention given to the mitigation of noise from Tennis World and the existing sub-station which is included within the application site. The noise mitigation measures include the erection of a 6.5m high noise attenuation barrier around parts of the sub-station. If approved conditions will be placed on the permission to ensure the mitigation detailed within the noise report is implemented on site and completed prior to the occupation of the dwellings.
44. It is considered that the proposed development accords with the requirements of policies DC1 and CS5 in relation to the amenity of residents.

Design

45. The proposed house types provide a wide and varied mix of dwellings including bungalows which are highly sought after in the town. The proposed dwellings incorporate a number of design features including modern dormer windows, square bays and feature windows. A mix of finishing materials including brick and render are proposed on the dwellings breaking up the elevations and adding detail.
46. The scheme includes two, three and four bed house types in a range of sizes from two bed bungalows to large four bed detached two-storey dwellings. The three bed dwellings include rooms in the roof space. 10 of the 23 dwellings are semi-detached with the remaining 13 dwellings detached. The NPPF requires Local Authorities to deliver a wide choice of high quality homes to significantly boost the supply of housing. The proposed dwellings are considered to meet this requirement.
47. The design of the dwellings reflect the contemporary properties on the adjacent plots but do not copy them. The mix of dwellings and the key design features that are incorporated into each house type will create an identifiable character area. It is considered that the proposed development will complement the existing dwellings.
48. The dwellings are appropriate in terms of scale and mass and the plot sizes are appropriate for the site. The density of the development is in line with policy requirements.
49. An objection received argues that for a development to consist of high quality housing it must be of equivalent sales values to the Ladgate Park development. Policy CS5 requires all development throughout Middlesbrough to demonstrate a high quality of design - this relates to form, layout, character and appearance rather than a specific house selling price point.
50. It is the planning view that the proposed development accords with the requirements of policy CS5 and the Urban Design SPD.

Streetscene

51. The application site is opposite Stewart Park which is locally listed as the birth place of Captain James Cook. Stewart Park is also part of Marton and the Grove Conservation Area.
52. This application proposes the continuation of residential development along the north side of Ladgate Lane opposite the park. Ladgate Lane is tree lined on both sides, the proposed development retains the tree line incorporating it into the scheme. Following comments from the Conservation Officer the existing railings along Ladgate Lane will be retained and repaired where necessary. A section will be removed to allow pedestrian access to Ladgate Lane.

53. When considering an application of this scale it is necessary to consider the impact of the development on the character of the area which should be maintained and enhanced. It is recognised that the surrounding areas provide a mix of dwelling types, design and quality. Whilst overall the character of the area would clearly change with housing erected on this site, the retention of the tree line along the southern boundary with Ladgate Lane will contribute to the mitigation of the visual impact of the development on its surroundings and will help assimilate the scheme into the area.
54. The use of varied finishing materials for the dwellings together with a mix of housetypes, and a mix of close boarded timber fences, trellis, and metal railings to identify boundaries and separate residential areas from open space, will also enhance the visual amenity of the site following completion.
55. It is the planning view that, for the reasons detailed above, the proposed development will create an attractive environment for residents in line with the requirements of policy CS5.

Ecology

56. Given the scale of the proposed development on the application site there will inevitably be an impact on ecology but the key consideration is whether or not the development as a whole would have an unacceptable adverse impact.
57. An Ecological Assessment has been submitted which details the findings of a data search and Extended Phase 1 habitat survey, conforming to Chartered Institute for Ecology and Environmental Management guidelines for preliminary ecological appraisals. The ecological assessment examines the fauna and flora on the site and wildlife activity relating to protected and priority species.
58. The assessment concludes that the woodland on the site is limited in extent and is not considered to be of a standard to qualify as a priority habitat however evidence of nesting birds and opportunities for roosting bats have been identified on the application site during the survey.
59. The bat survey details that bats roost in Stewart Park and are likely to use the site for foraging. There are also 6 oak trees on the site that have either a low or medium risk opportunities present for roosting, although the current light spillage on and around the site will deter some species of bats from using the site. A resident from the adjacent development submitted a video which clearly shows bat activity in the area. This corroborates the information in the ecology report
60. One red listed bird species, mistle thrush, was recorded during the survey. The site is suitable foraging and nesting habitat for this species, although more extensive habitat is available off site in Stewart Park.
61. If approved, a condition will be placed on the application to ensure the development is carried out in accordance with the recommendations and mitigation measures within the report i.e. site clearance works to take place outside bird nesting season and surveys to be carried out on the trees identified as having bat roosting features, to establish if there is current use. Should any trees with bat roosting features be removed opportunities for roosting bats should be integrated into the design of the houses.

62. An objection has been received with regards to the bat survey which has been submitted with the application. The objection relates to the fact that the survey was commissioned by the applicant and therefore it is not independent.
63. The planning application process requires applicants to submit reports relating to trees, ecology, noise etc. to the planning department. The role of the Local Planning Authority is to assess the content of the reports in consultation with relevant bodies. The Planning Authority do not carry out their own assessments as that is outside the required process and would involve significant additional resources.
64. Independent surveys are those which are not carried out by the developer, but are carried out for the developer as part of the planning process. To suggest the report is not independent is to suggest that a professional ecologist is prepared to disregard their professional obligation in order to write a report in the terms the developer wants.
65. If any report is considered to be insufficient in terms of its assessment of the site the applicant will be informed and given the opportunity to rectify the situation. If they do not it will form part of the analysis of the application given to Members for consideration. The submitted Ecology Assessment is considered to be a professional document which is fit for purpose.
66. It is considered that the development will not have an unacceptable impact on ecology. The tree line along the southern boundary will continue to provide foraging opportunities for bats, with additional foraging opportunities from the proposed residential gardens, and nesting opportunities for birds. The development accords with the principles of policy CS4.

Conclusion

67. The analysis of the development determines that the proposals are for a sustainable development, which will assist in economic growth in the town and the reduction of population decline. The proposed layout and dwellings are of a high quality design and would provide a pleasant and sustainable environment. There are no technical objections to the proposal in terms of the sustainability of the site or the ability to meet necessary drainage and highways requirements, and ecology and noise mitigation.
68. The application site is an allocated site within the approved Housing Local Plan and the proposals meet the policy requirements as set out in this report.
69. It is the planning view that none of the material objections raised will result in a significantly detrimental impact on the character of the area, the nearby residents or the community as a whole. The proposals do not conflict with local or national policies including those relating to sustainability, design, transport, open space, or flood risk. The development will support the delivery of the spatial vision set out in the LDF, particularly the provision of required housing types and economic benefits.

RECOMMENDATIONS AND CONDITIONS

Approved with 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 complete accordance with the plans and specifications detailed below and shall relate to no other plans:
 - a) application form, received 29th June 2017;
 - b) Design & Access Statement (first Issue 02/11/16);
 - c) Planning Statement, received 8th March 2017;
 - d) Existing Site Plan, drawing no. (00)311 rev. D;
 - e) Existing Site Plan with Existing Topographical Survey, drawing no. (00)312 rev. D;
 - f) Proposed Site Plan with Landscaping Details, drawing no. (00)320 rev. I;
 - g) Proposed Site Plan with Existing Topographical Survey, drawing no. (00)313 rev. E;
 - h) Proposed Site Plan with Finished Floor Levels, drawing no. (00)600 rev. B;
 - i) Proposed Site Plan Boundary Treatments and Hard Surfaces, drawing no. (00)316 rev. H;
 - j) External building Materials Site Plan, drawing no. (00)317 rev. E;
 - k) Proposed Plot Demise Site Plan Layout and Managed Areas, drawing no. (00)330 rev. F;
 - l) Proposed Fencing Details, drawing no. (00)610 rev. B;
 - m) Proposed Street Elevations, drawing no. (00)315 rev. B;
 - n) Sacriston Housetype 4 Bed 2 Storey Detached Proposed Plans, drawing no. (00)501 rev. J;
 - o) Sacriston Housetype 4 Bed 2 Storey Detached Proposed Elevations, drawing no. (00)511 rev. B;
 - p) House Type 05 3 Bed 3 Storey Semi-detached Proposed Plans, drawing no. (00)502 rev. M;
 - q) Proposed four bed detached integral RHS Garage Housetype, drawing no. (00)500 rev. G;
 - r) Large 4 Bed 2 Storey Detached House Type - Proposed Plans, drawing no. (00)503 rev. L;
 - s) Large 4 Bed 2 Storey Detached House Type - Proposed Elevations, drawing no. (00)513 rev. C;
 - t) 2 Bed Bungalow Semi-detached Proposed Plans, drawing no. (00)506 rev. M;
 - u) 2 Bed Bungalow Semi-detached Proposed Elevations, drawing no. (00)514 rev. D;
 - v) House Type 05 3 bed 3 Storey Semi Detached Proposed Elevations, drawing no. (00)512 rev. C;
 - w) Drainage Strategy Layout, drawing no. 000-01 rev. 0;
 - x) External Works Layout, drawing no. 003-01 rev. A;
 - y) Tree Constraints Plan, drawing no. ARB/CP/1354/TCP;
 - z) Tree Survey Data Tennis World, received 8th March 2017;
 - aa) Arboricultural Impact Assessment, reference no. ARB/CP/1354;
 - bb) Topographic Survey, drawing no. B262-001;
 - cc) Ecological Assessment, version 1.0/16-081, dated 27/01/2017;
 - dd) Phase 2 Ground Investigation Report, project no. 16/259;
 - ee) Noise Survey and Impact Assessment, report no. 5430.1 rev. E;
 - ff) Statement of Community Involvement, First issue 31/10/16;
 - gg) Sustainability Statement Addendum, First issue 31/10/16; and,

hh) Transport Statement, first issue 17/11/16 rev. A.

Reason: To ensure a satisfactory form of development

3. Temporary Car Parking

A plan showing the location of temporary car parking to accommodate operatives and construction vehicles during the development of the site and measures to protect any existing footpaths and verges shall be submitted to and approved in writing by the Local Planning Authority and implemented upon commencement of construction and thereafter such parking is to be removed on completion of the works.

Reason: In the interests of amenity and highway safety.

4. Construction of Adopted Highway

Before any construction of the proposed adopted highway commences full details of the construction and materials to be used on the proposed adoptable highway including finished levels, gully positions, layout and material build ups should be submitted to and approved in writing by the Local Planning Authority and thereafter the work to be carried out to their satisfaction and in accordance with the approved details.

Reason: In the interest of highway safety.

5. Surface Water Drainage Flowing onto Highway

A plan showing the surface water drainage that has been designed to prevent this water from flowing onto the highway to the detriment of all highway users must be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and highway safety.

6. Surface Water Drainage

The development must be carried out in accordance with the surface water design and strategy as detailed within the approved plans. Prior to the commencement of development a detailed surface water scheme must be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- a) Conveyance and exceedence routes;
- b) A build program and timetable for the provision of the critical surface water drainage infrastructure;
- c) A management plan detailing how surface water runoff from the site will be managed during construction Phase;
- d) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime; and,
- e) A Flood Risk Assessment is required for this application in line with current guidance.

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.

7. Landscape Management Plan

A Landscape Management Plan including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the first occupation of the approved dwellings. The Landscape Management Plan shall be carried out as approved.

Reason: In the interests of the general amenities of the area.

8. Trees

In this condition retained tree or hedgerow means an existing tree or hedgerow which is to be retained within a Phase of the development in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of five years from the date of the occupation of the first dwelling of a Phase of the development for its permitted use or the completion of infrastructure works.

a) no retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority unless carried out in accordance with the provisions of the approved Landscape Management Plan(s) pursuant to Condition 13 of this permission. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:1989 (with subsequent amendments)(British Standard recommendations for Tree Work).

b) if any retained tree or hedgerow on a Phase of the development is removed, uprooted or destroyed or dies during the period of construction of that Phase of the development another tree or hedgerow shall be planted at the same place and that tree and hedgerow shall be of such size and species, and shall be planted at such time as may be specified in writing by the local planning authority. Similarly, if a retained tree or hedgerow dies or needs to be removed within five years of completion of the Phase of development in which the tree or hedgerow is located, and this is found to have been the result of damage sustained during development of that Phase, this replanting condition will remain in force

c) the erection of fencing for the protection of any retained tree or hedgerow in a Phase of development shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on the site for the purposes of the development of that Phase of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the Phase of development upon its completion. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. Retained trees and hedgerows shall be protected fully in accordance with British Standard 5837:1991 (Guide for Trees in Relation to Construction). In particular, fencing must not be dismantled at anytime without the prior consent of the local planning authority.

Reason: In the interests of the amenities of the area.

9. Ecological Assessment

The development must be carried out in accordance with the recommendations and mitigations detailed within the approved document Ecological Assessment, version 1.0/16-081, dated 27/01/2017. A report detailing the results of further investigations into bat roosting at the site and any necessary mitigation, must be submitted to and approved in writing by the Local Planning Authority and thereafter implemented on site.

Reason: To ensure a satisfactory form of development in accordance with the NPPF.

10. Removal of PD Rights for Fences over 1m at Front of Dwellings

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or

without modification), no fences, gates, walls or other means of enclosure (other than those expressly authorised by this permission), over 1 metre in height, shall be erected within the curtilage of any dwelling forward of any wall of that dwelling which forms the principle elevation.

Reason: In order that the local planning authority may protect the visual amenities of the area.

11. Removal of PD Rights for Enlargement or Extension

Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or any order revoking or re-enacting that Order), no alterations, enlargement or extension shall be made to the external elevations of the residential dwellings hereby permitted, including any additions or alterations to the roof, without the specific written consent of the Local Planning Authority.

Reason: In order that the local planning authority may protect the interests of the visual amenities of the area.

12. Noise Assessment

The developed shall be carried out in accordance with the approved document Noise Survey and Impact Assessment, report no. 5430.1 rev. E dated 1st August 2017. Any deviations from the recommendations made in the report shall be submitted to and approved in writing by the local planning authority.

Construction of the noise attenuation barrier adjacent to the substation as detailed in the approved document shall begin prior to the construction of the dwellings hereby approved.

All works which form part of the mitigation scheme shall be completed before first occupation of the approved dwellings

Reason: To ensure a satisfactory form of development and in the interests of the amenity of the residents.

13. Mechanical Ventilation

Details of the mechanical ventilation to be installed in the bedrooms for plots 1 to 9 inclusive and 21 to 23 inclusive (in accordance with the approved plan Proposed Site Plan with Landscaping Details, drawing no. (00)320 rev. I) that are in line with the electrical sub-station on Marton Road shall be submitted to and agreed in writing by the Local Planning Authority. Details shall include a full technical specification of the ventilation system from a suitably qualified technical professional person. The ventilation installed shall be in accordance with the recommendations made in the Noise Survey and Impact Assessment, report no. 5430.1 rev. E dated 1st August 2017 Appendix F

Reason: To ensure a satisfactory form of development and in the interests of the amenity of the residents.

14. Assessment of Road Noise

Prior to the commencement of development an assessment of road noise, including a scheme for protecting the approved dwellings and associated residential outdoor space including communal recreation space from traffic noise, shall be submitted to and approved in writing by the Local Planning Authority. Any works and/or noise mitigation measures identified within the scheme shall thereafter be implemented on site and brought into operation in accordance with the approved details. All works

which form part of the approved scheme shall be completed prior to any of the dwellings hereby approved being occupied and shall be maintained in perpetuity.

A scheme of protection shall be deemed necessary where noise from nearby road traffic as measured at the external façade of habitable rooms and as measured within the gardens or other residential outdoor space including communal recreation space within the scheme, exceeds 60 dB(A) L10 (18 hours) between 6.00am and midnight based upon a 15 year projection of traffic levels.

Any scheme of protection shall demonstrate:

- a) Noise from nearby road traffic as measured within habitable rooms within the scheme as being less than 35dB(A) L10 (18 hours) between 6.00am and midnight including for a 15 year projection of traffic levels.
- b) Noise from nearby road traffic as measured within the gardens or other residential outdoor space including communal recreation space within the scheme not to exceed 60dB(A) L10 (18 hours) between 6.00am and midnight including for a 15 year projection of traffic levels.
- c) Exceptional circumstances for any areas not achieving the above noise levels

The internal noise levels must be obtainable while appropriate ventilation to habitable rooms is provided in a manner which meets the requirements of The Building Regulations which may include mechanical ventilation.

Reason: To ensure a satisfactory form of development and in the interests of the amenities of residents

15. Contaminated Land

Before the first use of any part of the development hereby approved, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall confirm that all the proposed remediation works set out in the approved Phase 2 Ground Investigation Report, project no. 16/259 were completed before occupation of any part of the site or units hereby approved.

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

REASON FOR APPROVAL

The proposed development of housing at Tennis World is considered to be appropriate for both the application site itself and within the surrounding area, in that the proposal is in accordance with national and local planning policy guidance.

The relevant policies and guidance is contained within the following documents: - National Planning Policy Framework 2012 - Middlesbrough Local Development Framework (LDF) - Core Strategy (2008); Regeneration DPD and Proposal Map (2009) - Middlesbrough Housing Local Plan, Housing Core Strategy and Housing Development Plan Document (2014)

In particular, the proposal meets the national planning policy framework and guidance, in that the proposal is for a housing 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 development on an allocated site, the layout and design of the housing scheme and the generation of traffic, have been

considered fully, including those set out in the representations made by nearby residents, 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

Under the Town & Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2010, the Council must charge a fee for the discharge of conditions. Information relating to current fees is available on the Planning Portal website

(<http://www.planningportal.gov.uk/england/public/planning/applications/feecalculator>. Please be aware that where there is more than one condition a multiple fee may apply.

The development will be designed and constructed in accordance with the current edition of the Councils Design Guide and Specification.

The highways which are to be constructed as part of this development will be offered for adoption under Section 38 of the Highway Act 1980. To protect this position, notice will be served under Section 220 of the same act once Building Regulation approval (or initial notice acceptance) has been given. The applicant is therefore urged to consult early with the Highway Authority (Tel: 01642 728156) on the highway details. This agreement should be completed before work commences.

The applicant is strongly advised to contact the Highway Authority (tel: 01642 728156) prior to any work commencing on site in order that a pre-inspection of the highway can be undertaken and agreement reached on suitable protection to prevent damage to the highway during construction. Failure to do this may result in the Highway Authority using powers available to them to impose such restrictions they deem necessary to protect the existing highway. Any damage that does occur will be deemed the responsibility of the person undertaking the work along with the liability for reinstatement.

The applicant must contact Northern Gas Networks directly to discuss requirements in detail.

The applicant is reminded that building materials shall not be deposited on the highway without the specific consent of the Highway Authority.

It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction then early discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so as to mitigate the effect of the obstruction to the general public

Should the development require Street Names, Numbers and/or Post Codes the developer must contact the Council's Naming and Numbering representative on 01642 728155.

The applicant is reminded that they are responsible for contacting the Statutory Undertakers in respect of both the new service to their development and the requirements of the

undertakers in respect of their existing apparatus and any protection/diversion work that may be required.

The applicant is reminded that it is the responsibility of anybody carrying out building work to ensure that mud, debris or other deleterious material is not deposited from the site onto the highway and, if it is, it shall be cleared by that person.

In the case of mud being deposited on the highway wheel washing facilities should be installed at the exit of the development.

Case Officer: Shelly Pearman

Committee Date: 11th August 2017

