
APPLICATION DETAILS

Application No:	17/0585/OUT
Location:	Land to Rear 50 - 60 Hutton Road, Middlesbrough, TS4 2LG
Proposal:	Outline application for residential development comprising 3no apartment blocks (28 no apartments in total) with associated access and parking
Applicant:	Ayresome Developments
Agent:	Mr Paul Alexander
Ward:	Longlands/Beechwood
Recommendation:	Approved with Conditions

SUMMARY

The outline application proposes a flatted development consisting of 3 blocks containing 28 units with associated parking.

Being an outline application, consideration need only be given to the principle of the development with the detailed matters of the appearance, layout, scale, access and landscaping of the proposed development being 'reserved matters' which would be considered under a separate application were this outline permission to be granted.

The main points raised from the consultation process and from statutory consultees were in relation to the highways implications, the noise implications on future occupiers of the development given the immediate proximity of the site to the railway line and commercial units, and the likely impacts on the residential amenities of existing residents on Hutton Road.

Residential use on this site has been firmly established through a number of previous planning permissions. Outline planning permission for a flatted development was most recently granted in 2014.

The current outline application seeks planning consent for the same development approved previously, which recently expired. Since the 2014 approval, there have been no fundamentally changes in local or national planning guidance. Consequently, the principle of the development remains acceptable and conditional approval is recommended.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is a parcel of brownfield land located to the east of the rear gardens of Nos. 50-60 Hutton Road. The site is also to the west of the Esk Valley railway line, to the north of No. 62 Hutton Road, and to the south of the Warelands Way Industrial Estate.

The site was previously used by McDonagh as a contractor's base for civil engineering operations. However, this former use and associated activity ceased many years ago and the site is now derelict, overgrown and unkempt.

The current application is largely identical to that which received outline planning permission in 2014. The previous permission has lapsed and outline planning permission is sought for the erection of 28 self-contained apartments (in three main blocks) with associated access and car parking. The application indicates that all matters (including siting, access, design, appearance and landscaping) are reserved for subsequent approval and consequently a further planning application addressing these matters would need to be submitted in the event of approval of this outline application. Furthermore, any reserved matters application would be the subject of consultation with local residents and statutory bodies.

Notwithstanding the above, the applicant has submitted a detailed indicative scheme for illustrative purposes, which demonstrates how the number of proposed units and associated facilities and provisions can be accommodated on the site.

The indicative plans show the potential for 3 blocks of apartments around a central area of car parking. All blocks would be accessed via the car park. The details further show communal amenity green space within the site, cycle stores and landscaping.

Vehicular access to the site would be off Hutton Road, through the access road between Nos. 48 and 50 Hutton Road.

In terms of design and appearance, these would be considered under an application for the reserved matters, but the indicative drawings show that the apartments could be provided through predominantly two and three storey blocks with the upper floor being within the roof space of the buildings.

PLANNING HISTORY

The site has a history of applications for various residential development, although none of which have been implemented. The below summarises the planning history.

M/OUT/0135/14/P – Outline application for residential development comprising 3 no apartment blocks (28 no apartments in total) with associated access and parking. Approved conditionally on 17th October 2014.

M/OUT/1111/11/P – Outline planning application for residential development comprising 12 no. dwellings and 2 no. apartments. Land to the rear of 50-60 Hutton Road. Approved conditionally on 23rd July 2012.

M/OUT/0230/05/P – Renewal of outline application M/OUT/0353/02/P for use of land for nursing home and dwelling houses. Approved conditionally on 22nd April 2005.

M/OUT/0353/02/P – Use of land for nursing home and dwelling houses. Approved conditionally 12th July 2002.

M/OUT/0200/97/P – Use of land for residential development or nursing home. Approved conditionally 28th April 1997.

M0603/74 – Erection of offices, workshops and stores. Approved Conditionally 30th August 1974.

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
H1 – Spatial Strategy
H11 – Housing Strategy

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

CONSULTATION AND PUBLICITY RESPONSES

Following the standard notification exercise, five representations from local residents have been received. A site notice has also been displayed at the site. The representations received are listed and summarised below.

22 Hutton Road objects:

- The road is already busy and with the new houses built.
- The development would decrease the value of the properties.
- I would object to any further housing being built on Hutton Road.

33 Hutton Road objects

- The area does not need any additional housing.
- The increase in traffic, in an already busy road and junction, can only detract from the area.

50 Hutton Road objects

- Will these fit in with the area?
- There is a lot of properties in such a small area.
- There is only one small road access and who will maintain this?
- There are no plans for parking to the property behind No. 62 Hutton Road.
- The amount of parking is a concern if visitors come.
- Will any damages to the pavement and grass caused by construction lorries be put right by the developer?
- The underground tanks used for petrol should be removed.
- Who will upkeep the green land between the back of the houses and the new development?
- The site should be secured for safety purposes, which has been a concern for many years.
- Access to garages should not be affected during construction works.

52 Hutton Road objects

- In the last 3 years, no attempt has been made to prepare or maintain the land for building purposes.
- The site has been used to dump building waste, household items and to store a caravan.
- We cannot get through to maintain our boundary as the land is overgrown.
- There are rats and mice issues due to the site conditions.
- The parking spaces for the flats is not enough. Hutton Road is a busy road and parking may spill over.

54 Hutton Road objects

- The site is an eyesore.
- Access and egress onto Hutton road for a minimum of another 28 cars. There has been an increase in traffic with the completion of The Ridings development.
- Where is the main drainage for the 28 apartments going?
- The land is contaminated and needs to be handled correctly.
- The value of our properties will decrease if we have 3 apartment blocks overlooking our gardens.

Technical Consultees comments

MBC Planning Policy – no objections.

MBC Waste Policy – no objections.

MBC Highways Engineers – no objections subject to three conditions recommending 1) details of the materials to be used in the adopted highway, and 2) bringing the junction with Hutton Road up to adoptable standards, and 3) a plan showing location of temporary car parking for construction vehicles.

MBC Transport Planning – no objections subject to conditions.

MBC Environmental Health – no objections subject to four conditions recommending: 1) a complete site investigation and validation report, 2) vibration assessment, 3) acoustic assessment, and 4) noise report. The recommendation for items two and three is due to the close proximity to railway line.

Lead Local Flood Authority – no objections subject to conditions relating to appropriate surface water and sustainable drainage.

Environment Agency – no objections.

Northern Gas Networks – no objections.

Network Rail – no objections.

Northumbrian Water – no objections subject to one condition relating to the disposal of foul and surface water.

Public Responses

Number of original neighbour consultations

Total numbers of comments received

Total number of objections

Total number of support

Total number of representations

PLANNING CONSIDERATION AND ASSESSMENT

1. This is an outline planning application for residential development of 28 self-contained flats within the Longlands area of Middlesbrough. As it is in outline form only with all matters reserved, it is simply the principle of the proposals that must be considered at this stage. The matters of detail such as the access, layout, appearance, scale and

landscaping will be considered as part of a reserved matters submission which would need to be made to the Local Planning Authority and which would be subject to further consultation and consideration.

2. The main planning issues for consideration relate to the principle of the development and the associated highways implications. Although the design and arrangement of the proposed development can be assessed at the reserved matters stage, indicative drawings have been submitted with the outline application, which enables consideration of how the development might be achieved.

National Policy Context

3. The Government's guidance is set out in the National Planning Policy Framework (NPPF), which states that the general principle underlying the town planning system is that it is 'plan led'. Put simply, this means all proposed development that is in accordance with an up-to-date Local Plan should be approved. Proposed development that conflicts should be refused unless other material considerations indicate otherwise.
4. Paragraphs 6-14 of the NPPF give a broad outline on achieving sustainable development. Paragraph 9 states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including improving the conditions in which people live, work, travel and take leisure.
5. Paragraph 17 of the NPPF lists 12 core planning principles, which includes proactively driving and supporting sustainable development to deliver homes, securing high quality design and a good standard of amenity for future occupants, enhancing the natural environment, reusing previously developed land, promoting public and sustainable transport.

Local Policy Context

6. The relevant policies in the Development Plan regarding this application are CS4 (Sustainable Development), CS5 (Design), H1 (Spatial Strategy), H11 (Housing Strategy) and DC1 (General Development). In general terms, the policies seek to achieve high quality development, ensure the right uses are in the right places and minimises the impact on neighbouring occupiers.
7. Policy CS4 requires all development to contribute to achieving sustainable development by creating inclusive communities, ensuring everyone has access to facilities that they need in their daily lives, promotion of a healthier and safer community, being located so that services and facilities are accessible on foot or by sustainable transport, making the most efficient use of land with priority given to development on previously developed land, protecting biodiversity assets, and by delivering development of a high quality design that improves the townscape.
8. Policy CS5 in its own right requires all development proposals to secure a high standard of design and that is well integrated with the immediate and wider context, create a safer and attractive environment, and to ensure a quality of new development that enhances the built and natural environment.
9. Through the Spatial Vision of the Core Strategy (2008), the Housing Local Plan (2014) and its policy H1, there is a need to increase the supply of housing to meet the aspirations of the economically active population, which consolidates and builds upon the success of popular neighbourhoods within the town.
10. Policy H11 emphasises the need to ensure that the quality of life is maintained through protecting the existing high environmental quality of the area, ensure that new housing

is a sustainable and balanced mix of house types, and that any new development will be of a high quality and of a density appropriate for the location.

11. Core Strategy policy DC1 attaches great importance to the visual appearance and layout of development and its relationship with the surrounding area in terms of scale, design, amenities of occupiers of nearby properties and the use of materials.

Principle of Residential Development

12. The application site is not allocated for any specific use on the LDF Proposals map; instead it is 'white land' within a residential area and within the limits of development, as defined within the Local Plan which is the area where new housing development is generally focused.
13. Notwithstanding the presence of the Warelands Way Business Park to the north, the local area is a predominantly and well-established residential area. The prevailing character of the local area is of long rows of two-storey semi-detached dwellinghouses constructed at medium-high density.
14. In planning terms, the principle of residential development on this site has been considered on a number of previous occasions. Applications for various types of residential accommodation on the site, including nursing homes, dwellinghouses and flatted development have all been assessed and ultimately deemed appropriated for the site over a 20 year period. Whilst a detailed history of previous planning approvals is summarised earlier in this report, the outline permission of M/OUT/0135/14/P was the latest to establish a residential use on the site. Since this earlier approval in 2014, there has been no change in planning policy and no change to the make up of the site or surrounding area which would suggest a different decision should now be made in relation to the principle of development. Indeed, the proposal, in principle remains to be in accordance with relevant national and local plan policies for housing provision.
15. The application site is located within the East Middlesbrough housing sub-area, for the purpose of Policy H11. Within this area, the Policy seeks to diversify tenure and mix to create a more balanced housing stock. In addition, the Middlesbrough Strategic Housing Market Assessment 2017 identifies a need for 800 one-bedroom apartments in Middlesbrough between 2016 and 2034. In this case, the proposed development would contribute to addressing this identified housing need. Therefore, the use of the site for bespoke, purpose-built apartments is considered acceptable, in principle.

Appraisal of Proposed Development

16. Local Policy CS4 refers to 'making the most efficient use of land, with priority being given to development on previously developed land, in particular vacant and derelict sites and buildings'. The application site is categorised as brownfield land, as it was previously used as a civil engineering depot for McDonagh. The proposed development would be an efficient use of previously used land and thereby comply with this policy guidance.
17. The application site has good links to sustainable transport with footpaths, cycle lanes and bus services along Longlands Road, which connect to the town centre to the north and services in other areas. The outline scheme also indicates provision of a cycle store within the site further assisting sustainable travel methods. Overall, the proposals are considered to be in accordance with Policy CS4 and would be a sustainable development.
18. Policy DC1 requires the visual appearance, layout of the development and relationship with the surrounding area in terms of scale, design and materials to be a high quality. The policy also requires the effect of the development on the amenity of neighbours to be minimal, and for there to be no adverse impact on highway safety. Policy CS5

requires all development proposals to demonstrate high quality of design in terms of layout, form and contribution to the character and appearance of the area. The Policy also requires development to be well integrated with the immediate and wider context.

19. The indicative site plan shows that a form of development can be accommodated whilst meeting the separation distances from existing dwellings as set out in the Council's Urban Design SPD. Accordingly, it is considered that the relevant guidance would be met through the detailed design of the proposal.

Clearly the outline nature of the application does not enable the Council to consider the development in line with the design criteria of CS5. However, the detailed indicative drawings appear to show a development that would represent a scheme of suitable quality.

20. The hard and soft landscape details, which would form part of the reserved matters application should outline permission be granted, are an important element in achieving quality within any scheme and, will further aid the proposals to achieve the requirements of CS5.

Transport Implications

21. The issues relating to vehicular access, vehicular traffic flows and resident/visitor parking have been considered and assessed by the Council's Highways service.
22. As noted previously, the site enjoys good links to sustainable transport modes, which provides good connectivity with the town centre and wider area. The indicative scheme allocates an area of the site for cycle store purposes, which assists with providing a variety of ways in which occupants can travel.
23. The Highways service acknowledges the existing parking problems in the adjacent residential area. It is, therefore, essential that the application site is able to accommodate the number of vehicles anticipated that would be associated with a development of the scale proposed. The Council's Design Guide for parking standards states that a provision of 1.5 vehicular spaces per apartment is required for developments of this type. The indicative site plan has demonstrated that the correct provision can be achieved.
24. The vehicular access into this site from Hutton Road is via an unadopted lane and the proposed site plan shows the lack of connection between the existing footpaths and those associated with the development. It will be necessary for this existing route to be reconstructed in conjunction with the proposed new access to facilitate adoption. A condition is recommended to achieve this.
25. It is noted that the traffic activity associated with the former use of the site as a civil engineering depot was unsuited and inappropriate in terms of the surrounding residential use. Large vehicular movements and early morning activity on the former site was a consistent source of complaints to the Council from adjacent neighbours. A residential development on this scale with its associated movement of cars is considered to be more appropriate and in keeping with the predominantly residential area.

Environmental Health Matters

26. In view of the immediate proximity of the application site to the railway line, consideration must be given to the potential impacts on the residential amenities of the potential occupiers of the apartments. The Council's Environmental Health service has thus recommended that any planning permission is conditioned for an assessment of vibration generated by trains and an acoustic assessment of rail noise. In addition to this, a noise report has been recommended to assess the likely noise levels from

neighbouring commercial premises. With such assessments secured by condition, the potential impacts on the residential amenities of future occupiers of the apartments will be reasonably addressed.

27. Due to the potential for contamination within the ground as a result of former uses, a condition has been recommended for a detailed site investigation (complete with risk assessment and measures for any mitigation required to ensure the site is appropriately decontaminated) to be submitted and approved in writing by the Council for those works to be undertaken prior to the development commencing on site.

Other Matters

28. The submitted Flood Risk Assessment (FRA), dated December 2011 and compiled by AAH Planning Consultants, makes reference to the proposed site being located within Flood Zone 2 (moderate risk of flooding). However, since this FRA was produced, the Environment Agency has commissioned and published updated flood models which now show that the proposed site is wholly within Flood Zone 1 (lowest risk of flooding) which is where government seeks to guide residential development. In principle, there are no objections to the development of the site in flood risk terms. The detailed scheme that would come at the reserved matters stage will need to be considered to ensure that there are no impacts on the Ormesby Beck watercourse.
29. As no details have been submitted at this stage for the disposal of foul sewage, Northumbrian Water has requested a condition be imposed on any planning approval for the submission of these details. A condition is recommended to address this matter.
30. With reference to potential impact on wildlife, the site was formally used as a civil engineering depot with limited likelihood of wildlife using the site. Since the demise of that use, the site has become overgrown and arguably, wildlife may be using the site more. However, the existing vegetation and landscaping which has grown since (and now exists on the site) can be removed by the developer without recourse to planning legislation. It is, however, the applicant's intention to provide landscaping within the scheme and this will afford some, albeit limited, wildlife habitat.

Conclusion

31. Overall, it is the officer view that the indicative details of the proposal demonstrate that the development of this essentially backland, brownfield site within the defined limits of development would be an acceptable site for residential development whilst being in keeping with the character of the surrounding area. The proposed scheme would significantly improve the appearance of the site by removing a neglected and overgrown area of derelict, former commercial land and replacing it with a residential land use which is compatible with the immediate surrounding uses.
32. It is the planning view that the proposals shown in this outline application represent a fitting development subject to a number of requirements, which can be secured by suitable conditions. There are no significant or overbearing impacts on the adjacent occupiers or the overall area and it is, therefore, deemed to be in accordance with local planning policies DC1 (General Development), CS4 (Sustainable Development), CS5 (Design), H1 (Spatial Strategy) and H11 (Housing Strategy) and conditional approval is recommended.

RECOMMENDATIONS AND CONDITIONS

Approved with Conditions

1. Outline Permission: All Matters Reserved

An application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission. The reserved matters will detail the means of access, the appearance, the landscaping, the overall layout and scale of the outline development hereby approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Act 2004 and to reserve the rights of the Local Planning Authority with regard to these matters.

2. Time Period for Commencement

The development hereby permitted shall be begun not later than:

- (i) The expiration of 5 years from the date of this permission; or
- (ii) The expiration of 2 years from the date of approval of the final reserved matter(s) to be approved, whichever is the later.

Reason: The consent is in outline form only and to protect the rights of the Local Planning Authority.

3. Samples of Materials

The development hereby approved shall be carried out in full accordance with a schedule of external finishing materials which shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development.

Reason: To ensure a high quality appearance of development in accordance with the requirements of the National Planning Policy Framework.

4. Temporary Parking during Construction and Protection of Highway

Before the construction of the buildings hereby permitted commences, 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. The approved parking area shall remain available throughout the construction phase of the development and shall be removed on completion of the works.

Reason: In the interests of amenity and highway safety and to comply with the general principles of the National Planning Policy Framework.

5. Sustainable Drainage Systems

Before the construction of the buildings hereby permitted commences, a scheme for a Sustainable Drainage System (SuDS) and management plan, which shall sustainably drain surface water, minimise pollution, manage the impact on water quality and prevent water from flowing onto the public highway, shall be submitted to and approved in writing by the Local Planning Authority and thereafter to be fully implemented in line with the agreed programme of works. The drainage system shall follow the principles set out in the submitted FRA and to the greenfield runoff rate. The submitted details shall include an assessment of existing geology, ground conditions and permeability.

Reason: In the interests of highway safety, to minimise the risk of flooding and to secure a sustainable development in accordance with local policy CS4 and the general principles of the National Planning Policy Framework.

6. Site Investigation and Remediation

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

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

7. Vibration Assessment

An assessment of vibration generated by trains using the railway adjacent to the site shall be carried out in accordance with British Standard 6472-1:2008 to demonstrate the probability of complaint from residents regarding vibration. If the assessment identifies vibration that will give rise to adverse comments from future occupiers at the proposed premises then mitigation measures to control exposure to vibration must be identified in the assessment. The assessment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. Any mitigating measures shown by the assessment to be necessary shall be implemented and completed prior to the approved use being occupied.

Reason: To secure a satisfactory form of development and to ensure reasonable levels of residential amenity for future occupiers.

8. Acoustic Assessment

Prior to the commencement of the development, an acoustic assessment shall have been submitted to and approved in writing by the Local Planning Authority. The assessment shall detail the impact of train noise on future occupiers and shall be carried out by a competent person. Noise from railway transport shall not exceed 55L_{Aeq} (24 hours) for gardens and recreational space. Habitable and occupied rooms shall be protected to less than 33L_{Aeq} (24 hours). If it is shown that the levels of noise exceed the standards identified above, the assessment shall include a scheme for protecting the proposed development from rail noise. Any scheme submitted as a result of the assessment shall identify, as a minimum, the predicted internal noise levels in habitable rooms, and in gardens and recreational areas, and the methods that will be used to achieve these noise levels. All mitigation methods/works that form part of the scheme shall be completed before any of the proposed dwellings are occupied.

Reason: In the interests of the residential amenities of the future occupiers of the proposed dwellings.

9. Noise Levels from Commercial Uses

Prior to the commencement of the development hereby approved, a noise report from a specialist noise consultant shall be submitted to and approved in writing by the local planning authority. The noise report shall identify the existing noise levels from the neighbouring units on the Warelands Way Industrial Estate and assess the noise levels that future residents are likely to be exposed to from commercial premises in the vicinity (including their fixed plant and machinery). The report shall also identify all works that will be necessary to protect all future residents from noise

and include a scheme that has been designed to protect these residential units from any noise disturbance. Any approved scheme to protect the proposed development from noise shall be fully implemented and completed as part of the development and prior to any of the approved residential units being occupied.

Reason: To secure a satisfactory form of development and in the interests of the future occupiers of the apartments.

10. Highways Construction Details

Prior to the commencement of the development hereby approved, 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 shall be submitted to and approved in writing by the Local Planning Authority. The carriageway and footway from the junction with Hutton Road shall be reconstructed to adoptable standards. Thereafter, the works shall be carried out in accordance with the approved details.

Reason: In the interest of highway safety.

11. Disposal of Foul and Surface Water

Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

INFORMATIVES

Informative: Waste Collection

Please note that collections of recycling and refuse material will only be made at the nearest adopted highway.

Residents will be required to make Recycling & Refuse available at the nearest adopted highway

Informatives: Highways related matters

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 HA 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 with the Highways Authority on 728156. This agreement should be completed before work commences.

Interference or alteration of the highway requires a licence under the HA 1980. Connections to public sewers in the highway require a licence under NRSWA 1991. The applicant should contact the Highway Authority (tel: 01642 728156) before any work commences on site,

allowing a minimum of 7 days notice, or 30 days in the case of a NRASWA licence, if either or both of these licences are 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.

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 Councils Naming and Numbering representative on (01642) 728155.

Informatives: Network Rail related matters:

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.

It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where

development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DfT advice issued in 2003, now updated to include risk of incursion from private land/roadways.

Fencing

Although the existing NR fence is adequate in preventing trespass there will inevitably be pressure from the new residents to soften or even attempt to alter its appearance. It should be noted that our fence should not be altered or moved in any way and nothing should be put in place to prevent us from maintaining our boundary fence as we are obliged to do so in law. It is our experience that most developments seek to provide their own boundary enclosure so as to avoid such future problems. It would also help to reduce the impact of railway noise. We would advise that the developer should provide a trespass proof fence adjacent to Network Rail's boundary (minimum 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to

be carried out on site that may affect the safety, operation, integrity and access to the railway.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Cranes

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to

ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees - Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Acceptable:

Acer (Acer pseudoplatanus), Aspen - Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore - Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea)

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

Case Officer: Peter Wilson

Committee Date: 1st December 2017

