

## COMMITTEE REPORT

### Item No 2

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#### APPLICATION DETAILS

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<b>Application No:</b>	<b>17/0895/FUL</b>
<b>Location:</b>	<b>Bishopton Road (Phase 2) Middlesbrough TS4 2TP</b>
<b>Proposal:</b>	<b>Erection of 92no dwellinghouses (including 39no bungalows)</b>
<b>Applicant:</b>	<b>Mr Nick Corrado</b>
<b>Company Name:</b>	<b>Thirteen Housing Group</b>
<b>Agent:</b>	<b>Mr Mark Barlow</b>
<b>Company Name:</b>	<b>Logic Architecture</b>
<b>Ward:</b>	<b>Longlands/Beechwood</b>
<b>Recommendation:</b>	<b>Approve with Conditions</b>

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#### SUMMARY

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This application seeks consent for the erection of 92 residential dwellings and associated works. The application site is in a residential area, on a brownfield site allocated for housing development within the Housing Local Plan and which was previously an area of housing. The site is in close proximity to a number of services and provisions making it a sustainable location for new residential development

Following a consultation exercise no comments have been received from residents.

It is considered that the proposed development would provide a good mix of affordable dwellings which are considered to be of good 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 H1, H3, H11, H19, H31, CS4, CS5 and DC1. The recommendation is minded for approval with conditions subject to ongoing s106 discussions.

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#### SITE AND SURROUNDINGS AND PROPOSED WORKS

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The application site comprises 0.27ha of brownfield land. The site is located to the south of Bishopton Road and the north of Marton Burn Road, east of the junction with Eastbourne Road/York Road/Valley Road.

The site is surrounded by existing residential dwellings to the north, south and east. The site was previously housing which was removed as part of the Grove Hill regeneration scheme. The properties to the east form phase 1 of the regeneration.

To the west is the Eastbourne Road local centre.

This application seeks consent for the erection of 92no. residential dwellings and associated works. The dwellings consist of:

- a) 34 no. 2 bed bungalows;
- b) 2 no. 2 bed wheelchair accessible bungalows;
- c) 3 no. 3 bed wheelchair accessible bungalows;
- d) 12 no. 3 bed two-storey dwellings;
- e) 33 no. 2 bed two-storey dwellings;
- f) 2 no. 4 bed two-storey dwellings;
- g) 4 no. 3 bed three-storey dwellings; and,
- h) 2 no. 4 bed three -storey dwellings.

Of the proposed dwellings 86no. are semi-detached, the remaining 6no. dwellings consist of two terrace rows of three dwellings.

The proposed dwellings are affordable housing units. They will be social rented initially with tenants being offered shared ownership options and right to buy in the longer term.

The dwellings are contemporary in their design incorporating modern windows surrounds, brick, render and cladding detailing, dual aspect dwellings, porch detailing and feature gable elevations. Access to the site is proposed from Bishopton Road to the north.

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

- a) Planning Statement
- b) Design and Access Statement
- c) Preliminary Ecological Appraisal
- d) Flood Risk Assessment
- e) Transport Assessment
- f) Tree Survey
- g) Site Investigation

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## **PLANNING HISTORY**

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M/FP/0807/13/P Residential development comprising 35no dwellings, associated access, landscaping & highways works Approve with Conditions  
21st November 2013

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## **PLANNING POLICY**

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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  
H3 - Inner Middlesbrough  
H11 - Housing Strategy

H19 - Grove Hill  
H31 - Housing Allocations  
GHSPD - Grove Hill SPD  
UDSPD - Urban Design SPD  
HGHDC - Highway Design Guide

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>

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## CONSULTATION AND PUBLICITY RESPONSES

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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 no comments were received from residents

MBC - Planning Policy

No objection

MBC - Waste Policy

No objection, "Adoptable" shared surface turning heads. Unless these locations are adopted by the authority, residents will be required to make their waste and recycling available at the nearest public highway.

Refuse & recycling vehicles will not be allowed to drive on any unadopted highway.

MBC - Environmental Health

No objection

MBC - Highways

No objection

Northumbrian Water

No objection subject to a condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment.

Northern Powergrid

No response

Northern Gas

No objection

Ward Councillors

No response

Community Council

No response

Cleveland Policy - Secured by Design

In relation to this application. As stated in the Design & Access Statement I have been liaising with architects and am aware that they are intending the development achieve a minimum of secured By Design Silver accreditation.

Dialogue is to continue and it is hoped that SBD Gold can in fact be achieved.

## Public Responses

Number of original neighbour consultations	127
Total numbers of comments received	0
Total number of objections	0
Total number of support	0
Total number of representations	0

Site notice posted –  
15th January 2018

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## PLANNING CONSIDERATION AND ASSESSMENT

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1. The planning application before Members is a full application for the development of 92 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, internal highway layout and landscaping.

### Policy / Principle of development

2. The application site is allocated in the Housing Local Plan (HLP) for residential development, where Policy H19 applies. The application site forms part of the larger Grove Hill regeneration site.
3. Policies H1 (Spatial Strategy) and H3 (Inner Middlesbrough) collectively identify Grove Hill as a strategic housing allocation and a regeneration priority. Policy H11 (Housing Strategy) identifies that housing in this location should meet aspirational needs, create a sustainable and balanced mix of housing, and deliver environmental improvements.
4. The principle of residential development on the application site has been established by Policy H19. Policy H19 (Grove Hill) and Policy H31 (Housing Allocations) identify the wider Grove Hill site for approximately 610 dwellings. Policy H19 advises that future development and regeneration activity will be permitted provided that development complements and enhances the choice and quality of housing in the area by providing a mix of dwelling types and sizes;
5. Middlesbrough Council's Grove Hill Supplementary Planning Document provides more detailed guidance. It seeks to establish distinctiveness and diversity in urban design in terms of building densities, heights and typologies. The Bishopton Road area is identified for high quality residential uses. The junction of Bishopton Road and Marton Burn Road is identified as a landmark/focal point location appropriate for higher density development such as 3 storey townhouses with lower densities moving eastwards, including bungalows. The Grove Hill SPD also states that the area suffers from lack of 1, 2 and 4 bed housing stock. The proposed development addresses these requirements.
6. The SPD also identifies opportunities for enhanced tree planting along Bishopton Road and that Bishopton Road and Marton Burn Road provide key frontages to

promote an active and engaging street scene. The application's landscaping details show proposed tree planting on Bishopton and Marton Burn Roads and the majority of housing adjacent to these roads fronts on to them.

7. The application proposes social rented dwellings with a mix of dwelling types and sizes. Whilst the housing is affordable, it includes tenures that allow occupiers who aspire to owner occupation to purchase their homes over time.
8. It is considered that the proposed development meets the requirements of policies H1, H11, H19 and H31. There are no planning policy objections to the application.
9. The application will be assessed in relation to the policies regarding design, sustainability and general development principles throughout the remainder of this report.

### Amenity

10. The proposed residential dwellings are adjacent to existing dwellings to the north and east, the application must be assessed in relation to the amenity of the existing residents and the future residents of the proposed dwellings.
11. Where adjacent to existing properties, the proposed layout positions the majority of dwellings with their rear elevations facing the gable elevations of the existing dwellings, or vice versa which assists in preventing direct overlooking between windows. The separation distances range from 11m for the two storey dwellings and 10m for bungalows. Where properties are located with direct overlooking of rear elevations with existing dwellings the separation distances are a minimum of 20m. The orientation of the dwellings will also ensure that there is no significant impact on light to the existing dwellings.
12. 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. In addition, existing dwellings will again back onto houses / gardens and this is considered to be beneficial in terms of designing out opportunity for crime and anti-social behaviour given that existing dwellings adjacent to the site currently have a relatively open aspect.
13. Internally within the proposed development the layout is such that the majority of dwellings are orientated front to front and rear to rear facing. The shortest separation distance within the scheme (main elevation to main elevation) is 18m which in this instance is considered to be acceptable in planning terms, particularly as the shorter separation distances are generally between two-storey dwellings and bungalows where there is a lesser degree of overlooking between properties.
14. The separation distances will ensure that future resident's privacy is at an acceptable level. The separation distances and orientation of the dwellings also ensure that the properties will not have a detrimental impact on those around them in relation to light to primary windows. In some instances secondary first floor bedroom windows are proposed giving a dual aspect to the properties. Where these overlook other bedroom windows, or are in close proximity to adjacent premises, the windows must be opaque glazed and with a restricted opening to safeguard the privacy of the future residents.
15. In view of these matters it is considered that the proposed development accords with the requirements of policies DC1 and CS5 in relation to the amenity of residents.

### Design

16. The proposed house types provide a varied mix of dwellings including a large number of bungalows which are highly sought after in the town. The majority of the proposed dwellings are also 2 bed properties which are identified as being required in this area of the town in the Grove Hill SPD. The proposed dwellings are contemporary in their design incorporating a number of design features including modern windows surrounds, dual aspect dwellings, porch detailing and feature gable elevations. A mix of finishing materials including brick, render and cladding are proposed on the dwellings breaking up the elevations and adding detail.
17. The scheme includes two, three and four bed house types in a range of sizes from two bed bungalows to large four bed three-storey dwellings. The majority of the dwellings are semi-detached, six of the dwellings are terraced in two rows of three. The NPPF requires Local Authorities to deliver a wide choice of high quality homes to significantly boost the supply of housing and the proposed dwellings are considered to meet this requirement and the requirements of the Grove Hill SPD.
18. The design of the dwellings reflect the modern 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 and the wider area.
19. 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.
20. Policy CS5 requires all development throughout Middlesbrough to demonstrate a high quality of design in relations to form, layout, character and appearance rather than a specific house selling price. It is the planning view that the proposed development accords with the requirements of Policy CS5, the Urban Design SPD and the Grove Hill SPD.

### Streetscene

21. The site is currently in poor condition following the removal of the previous dwellings. 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, it is considered that the dwellings and landscaping will contribute to the mitigation of the visual impact of the development on its surroundings and will help assimilate the scheme into the area.
22. This application proposes the continuation of residential development along Bishopton Road and Marton Burn Road, both of which are tree lined. The proposed development retains the tree line and further enhances it through additional landscaping and tree planting.
23. The use of varied finishing materials for the dwellings together with a mix of housetypes, and a mix of close boarded timber fences, trellis, brick walls and metal railings to identify boundaries and separate residential areas from open space, will also enhance the visual amenity of the site following completion.
24. The majority of dwellings proposed are bungalows or two-storey properties. However, the west section of the site is located on a prominent corner opposite the Eastbourne Road local centre. This area is part of the wider regeneration site and

works are being considered to improve the junction. As a result the Grove Hill SPD requires building on this corner to reflect the prominence of their position. In response to this requirement the development includes six three-storey dwellings which wrap around the corner. The dwellings are separated from the highway by a landscaped area. Consideration has also been given to the form of boundary treatments in this area with brick walls being located between the dwellings, instead of the timber treatments featured in other locations within the site.

25. It is considered that the scale of the dwellings and the boundary treatments in this area will have a positive contribution towards the visual appearance of the area, enhancing the character and appearance when viewed from this key junction.
26. The landscaping scheme includes the planting of trees along Bishopton Road and Marton Burn Road. This will further enhance the visual appearance of the area.
27. 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.

### Highways

28. The proposed development comprises 92 dwellings accessed from Bishopton Road. A Transport Assessment (TA) has been submitted in support of the application. The TA highlights the sustainable nature of the site in terms of its location within an established residential area in close proximity to a wide range of local services and amenities.
29. The site has good pedestrian and cycle links and is well served by public transport. The TA also demonstrates that the predicted additional vehicle trips associated with the proposed development will not have a detrimental impact on the operation of the surrounding highway network, either in terms of highway safety or capacity.
30. The site is part of the Grove Hill regeneration scheme, as such dwellings on the site were removed a number of years ago leaving the existing highway network within the site. The proposed development utilises the existing highway infrastructure but removes through access by removing the access to Marton Burn Road. The site also connects to the existing road network in phase 1 of the regeneration to the west. A footpath link is provided to Marton Burn Road.
31. In-curtilage parking provision is broadly in line with the maximum standards set out in the Tees Valley Design Guide and Specification. Three of the dwellings fall short of the parking provision by one space however nine of the dwellings have one additional parking space over and above the required provision. There are also four visitor parking spaces proposed within the highway network. As a result the development exceeds the parking requirements by ten spaces.
32. The development has been considered by the Local Highway Authority who have not raised any objections. In highway terms the development accords with the requirements of Local Plan Policies CS4, CS5 and DC1.

### Flood Risk and Drainage

33. The site is not located within flood zone 2 or 3 (Zones of higher risk), it is at low risk of tidal and fluvial flooding. Notwithstanding this, a sustainable drainage scheme has been submitted as part of the Flood Risk Assessment. The sustainable drainage infrastructure will discharge surface water to a culverted watercourse with flows



restricted to meet the requirements of the statutory drainage authorities. The drainage scheme will help to reduce the flood risk throughout the site.

34. 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

35. The Council's Environmental Protection Team have considered the application in relation to noise, air quality and site contamination. Whilst there is no anticipated issues to result from the development a condition is recommended to deal with site contamination. The proposed development accords with the principles of Policies CS4 and DC1 in this regard subject to the imposition of the conditions as recommended.

#### Ecology

36. The site is a brownfield site, the majority of which consists of open space and public highways. A preliminary ecology assessment has been submitted in support of the application. It confirms that the site offers little in terms of ecology and confirms that any works to trees on site must take place outside bird nesting season.
37. The landscaping scheme includes the planting of trees throughout the site and along both Bishopton Road and Marton Burn Road. The additional planting will mitigate the removal of the existing trees to enable the development.
38. The application is considered to be in accordance with the requirements of Local Plan Policy CS4.

#### Conclusion

39. 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.
40. 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.
41. It is the planning view that the development will not result in a detrimental impact on the amenities of residents or the visual appearance of the area. It will enhance the character of the area to the benefit of the nearby residents and 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.
42. The Local Planning Authority is currently considering whether or not a financial contribution towards education facilities is required as a result of the development. The officer recommendation is for Members to endorse approval with conditions, subject to the ongoing discussions.

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## RECOMMENDATIONS AND CONDITIONS

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**That members are ‘Minded to Approve’ subject to officers finalising discussions in relation S106 contributions for education contributions including the consideration of viability assessments and with the following conditions;**

1. Time Limit

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

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

2. Approved Plans

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

- a) Location Plan, drawing no. 17-28 P300;
- b) Proposed Site Plan, drawing no. 17-28 P110;
- c) Refuse Storage Plan, drawing no. 17-28 P115 rev. A;
- d) Block 1, drawing no. 17-28 P200 rev. A;
- e) Block 2, drawing no. 17-28 P201 rev. A;
- f) Block 3, drawing no. 17-28 P202 rev. A;
- g) Block 4, drawing no. 17-28 P203;
- h) Block 5, drawing no. 17-28 P204 rev. A;
- i) Block 5a, drawing no. 17-28 P213 rev. A;
- j) Block 6, drawing no. 17-28 P205
- k) Block 7, drawing no. 17-28 P206 rev. A;
- l) Block 8, drawing no. 17-28 P207 rev. A;
- m) Block 9, drawing no. 17-28 P208 rev. A;
- n) Block 10, drawing no. 17-28 P209 rev. A;
- o) Block 11, drawing no. 17-28 P210 rev. A;
- p) Block 12, drawing no. 17-28 P211 rev. A;
- q) Long Street Elevations, drawing no. 17-28 P11;
- r) Existing Tree Layout, drawing no. 17-28 TS200;
- s) Existing Tree Layout, drawing no. 17-28 P116;
- t) Tree Survey, received 31st December 2017;
- u) Proposed Landscape Detail, drawing no. 17-28 P106;
- v) Boundary Treatment Plan, drawing no. 17-28 P114;
- w) Fence and Boundary Retaining walls detail, drawing no. 17-28/P113;
- x) Proposed Parking Plan, drawing no. 17-28 P117 rev. A;
- y) Design and Access Statement, reference no. 17.28 DAS rev B;
- z) Preliminary Ecological Appraisal, issue no. 1, dated 19th December 2017;
- aa) Flood Risk Assessment, reference no. 2017115 dated December 2017;
- bb) Site Waste Strategy, received 16th February 2018;
- cc) Planning Statement, reference no. 17.28 PS rev. B;
- dd) Phase 2 Site Investigation Report, reference no. S170736/SI;
- ee) Ground Gas Risk Assessment, reference no. S170736/GAS; and,
- ff) Transport Assessment, reference no. TSC439-02.

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

3. Samples of Materials

Prior to the commencement of construction details and samples of the materials to be used in the construction of all the external surfaces within the development must

be submitted to and approved in writing by the Local Planning Authority.  
Development shall be carried out in accordance with the approved details.

Reason: To ensure the use of satisfactory materials in the interests of the visual amenity.

4. Windows Opaque / Restricted

Secondary Bedroom windows on side elevations at first and second floors hereby approved must be opaque glazed to a minimum of level 3, and must be restricted opening at a height of 1.7m from the internal floor level. The opaque glazing and restricted opening must be implemented on installation and retained in perpetuity.

Reason: In the interests of the amenities of residents and to ensure a satisfactory form of development in accordance with policy DC1.

5. Removal of PD Rights for Boundary Treatments 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 dwellinghouse forward of any wall of that dwellinghouse which forms the principle elevation.

Reason: In order that the local planning authority may protect the visual amenities of the area in accordance with the requirements of policy CS5.

6. Landscaping Scheme

Prior to occupation a scheme showing full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These works shall be carried out in accordance with the approved details prior to the first occupation of a dwelling, or within 12 months of commencement of works, whichever is sooner.

These details shall include details of the proposed planting, proposed finished levels or contours, hard surfacing materials, minor structures (e.g; furniture, play equipment, lighting etc.), and where relevant proposed and existing functional services above and below ground (eg; drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)

Reason: In the interests of the amenities of the area in accordance with the requirements of policy CS5.

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 a dwelling of, or within 12 months of commencement of work, whichever is sooner.

The Landscape Management Plan shall be carried out as approved.

Reason: In the interests of the general amenities of the area in accordance with the requirements of policy CS5.

8. Replacement Tree Planting

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or

becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: In the interests of the general amenities of the area in accordance with the requirements of policy CS5.

9. 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 any time without the prior consent of the local planning authority.

Reason: In the interests of the amenities of the area in accordance with the requirements of policy CS5.

10. Ecology

The development must be carried out in accordance with the recommendations detailed in the submitted Preliminary Ecology Appraisal, issue no. 1 dated 19th December 2017.

Reason: To ensure a satisfactory form of development.

11. **Construction 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.
12. **Surface Water**  
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.
13. **Construction Design / Materials**  
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 is to be carried out to their satisfaction.
- Reason: In the interest of highway safety.
14. **Reconstruct Footway**  
Before the completion of the development the footway to the frontage of the development on Marton Burn Road and Bishopton Road must be reconstructed to adoptable standards.
- Reason: In the interests of highway safety
15. **Reconstruct Carriageway**  
Before the completion of the development the currently adopted carriageways within the red line boundary of the development must be reconstructed to adoptable standards.
- Reason: In the interests of highway safety
16. **Surface Water Design and Strategy**  
A detailed surface water design and strategy must be submitted to and approved in writing by the Local Planning Authority before construction commences on site, this design and strategy will follow the principals as outlined in the Flood Risk Assessment, reference no. 2017115, dated December 2017, and should also include;
- 1) Conveyance and exceedence routes.
  - 2) 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.
- Reason In the interests of a sustainable development
17. **Flood Risk Assessment**  
Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment" dated "December 2017".

The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole(s) 8101, 7201 or 7301 and ensure that surface water discharges to the existing watercourse.

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

18. Validation Report

Before the occupation 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 SIRIUS STRATEGY FOR THE REMEDIAL WORKS report C69030/RS 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.

19. No development hereby approved shall be commenced on site other than initial groundworks until a 'Scheme of renewables or a fabric first approach' has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the predicted energy requirements of the development post completion and under normal operating use and will also detail how 10% of the predicted energy requirements will either be generated on site by renewable technologies or how the fabric of the building shall be constructed to reduce the predicted energy demand in exceedance of the current Building Regulation Standards by 10%.

The development shall be undertaken in accordance with the approved scheme which shall then be maintained in an operational state for the lifetime of the building.

## **REASON FOR APPROVAL**

The proposed development of housing at Bishopton Road 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) - Grove Hill Supplementary Planning Document (2010).

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 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

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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. This agreement should be completed before work commences.

The proposal will require major alterations to the existing highway network that will require a Section 278 agreement (HA1980) between the developer and the Council as Highway Authority. The applicant is urged to consult early with the Highway Authority (tel: 01642 728156) to discuss these proposals. This agreement should be completed before work commences.

Implementation of this proposal will require a formal highway closure and the applicant should be informed that it is subject to Public Comment and therefore closures cannot be guaranteed. For further information contact Stewart Williams (728153). This closure must be commenced before any work is commenced in the vicinity of the affected area

The applicant is advised that any discharge of surface water into a watercourse or culverted watercourse requires consent from the Local Authority.

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

Any street furniture that necessitates relocation requires early discussion to take place with the Highway Authority (tel: 01642 728156) and this work will be carried out at the cost of the applicant.

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/feecalc>). Please be aware that where there is more than one condition a multiple fee may apply.

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.

## IMPLICATIONS

Financial Implications: S106 – Education. Consideration is being given in relation to the provision of a contribution towards primary school education facilities in the town.

Legal Implications: None

Environmental Implications: The site is a brownfield site which was former housing. It is a grassed open area with areas of dilapidated highway infrastructure throughout. There are no notable environmental implications as a result of this proposed residential development within what is a residential area.

Case Officer: Shelly Pearman

Committee Date: 2nd March 2018



