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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>19/0458/FUL</b>
<b>Location:</b>	<b>Grey Towers Farm Stokesley Road Nunthorpe Middlesbrough TS7 0NF</b>
<b>Proposal:</b>	<b>Residential development comprising 102 dwellinghouses (60 no replan and 42 no additional) with associated access and landscaping</b>
<b>Applicant: Company Name:</b>	<b>Barratt David Wilson Homes</b>
<b>Agent: Company Name:</b>	
<b>Ward:</b>	<b>Marton West</b>
<b>Recommendation:</b>	<b>Approve subject to 106 Agreement</b>

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**SUMMARY**

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Permission is sought for the erection of 102 dwellings on the Grey Towers housing development site. The site currently has full permission for 410 dwellings, this application is a re-plan of 60 dwellings and an additional 42 dwellings increasing the number of dwellings on the wider site to 452.

Following a consultation exercise objections were received from residents from 17 properties, the Community Council, Nunthorpe Parish Council and Ward Councillors.

It is considered that the proposed development would provide a good mix of dwelling types which are considered to be of high quality design and materials to compliment the approved development in an attractive landscaped setting with an appropriate layout. The development will not result in a significant detrimental impact on the amenities of existing local residents. Strategic works to the highway network will mitigate against the impact of the development on the local highway network.

The development meets the requirements of the relevant national planning policies detailed within the NPPF and Local Plan policies, specifically H1, H10, H11, H12, H31, CS1, CS4, CS5 and DC1. The recommendation is for approval of the application subject to conditions and a S106 agreement.

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**SITE AND SURROUNDINGS AND PROPOSED WORKS**

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1. The site is located to the south west of Dixons Bank (A172) and south east of Brass Castle Lane. It comprises 6.13ha of open fields, mature woodlands, farmland. The site is part of the wider Grey Towers development site which is currently under construction.
2. To the north, east and south east are residential dwellings. Land to the west is an allocated housing site. To the south is the wider Grey Towers development site.
3. Permission is sought for the erection of 102 dwellings on the Grey Towers housing development site. The site currently has full permission for 410 dwellings, this application is a re-plan of 60 dwellings and an additional 42 dwellings increasing the number of dwellings on the wider site to 452.
4. The 102 dwellings proposed consist of:
  - a) 66no. three bed dwellings; and,
  - b) 36no. four bed dwellings.
5. These are made up of 3 three bed house types and 5 four bed housetypes. All the proposed dwellings are two-storey with the majority being detached and 10no. dwellings being semi-detached.
6. The associated works proposed include the construction of highways, landscaping and drainage works.
  - Documents submitted in support of the application include:
    - Compliance Statement;
    - Planning Statement;
    - Transport Statement;
    - Residential Travel Plan;
    - Flood Risk Assessment;
    - Drainage Strategy;
    - Air Quality Assessment;
    - Noise Assessment;
    - Ecological Reports;
    - Energy Statement;
    - Sustainability Appraisal;
    - Waste Audit;
    - Statement of Community Involvement

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## **PLANNING HISTORY**

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M/OUT/0226/11/P Residential development of up to 295 dwellings, community centre & associated access (Outline)  
Approved with Conditions 15th October 2012

M/RES/0403/13/P Reserved matters (phase 1) for erection of 123no dwellings and associated access & landscaping  
Approved with Conditions 24th June 2013

M/AMD/0403/13/P(C) Non-material amendment to previously approved M/RES/0403/13/P to remove plot 45, and amend plot 46 to house type B.  
Approved 19th October 2015

M/AMD/0403/13/P Non-material amendment to M/RES/0403/13/P to substitute garage types to various plots

Approved 27th January 2015

16/5103/RES Reserved matters (phase 2a) for erection of 26no dwellings and associated works

Approved with Conditions 3rd November 2016

17/0258/RES Reserved matters for the erection of 36 dwellings with associated landscaping Phase 2B

Approved with Conditions 11th August 2017

18/0060/FUL Residential development comprising 238 dwelling houses with associated access and landscaping

Approved with Conditions 27th June 2018

19/0262/VAR Variation of condition 2 (Approved Plans) on application 18/0060/FUL for variation of housetypes and layout (including removal of 1 no. plot).

Approved with Conditions 31st May 2019

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## PLANNING POLICY

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7. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- The provisions of the Development Plan, so far as material to the application
- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

### Middlesbrough Local Plan

8. The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).

### National Planning Policy Framework

9. National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the

need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

10. For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

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

H1 - Spatial Strategy  
H10 - Nunthorpe  
H11 - Housing Strategy  
H12 - Affordable Housing  
H28 - Land at Grey Towers Farm  
H31 - Housing Allocations  
CS1 - Spatial Strategy  
CS4 - Sustainable Development  
CS5 - Design  
DC1 - General Development  
UDSPD - Urban Design SPD  
HGHDC - Highway Design Guide  
MWNP - Marton West N'hood Plan

12. 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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13. Consultation letters were sent to local residents, a press notice issued and site notices posted around the site. Following the consultation exercise objections were received from 17 properties, these are summarised below:

Objections:

- a) 52 % increase in total number of dwellings on site over policy H28 - not a marginal increase
- b) Inadequate highway infrastructure

- c) Inadequate access, additional access near Brass Castle Lane should be required
- d) Inadequate internal road layout
- e) Increase in traffic and congestion
- f) Road safety
- g) Inadequate parking
- h) Narrow roads
- i) Increase in pollution
- j) Brass Castle Lane should be realigned with Guisborough Road
- k) No investment in cycling shown
- l) Inadequate services (doctors, schools etc.)
- m) Increase in noise
- n) Increased flooding
- o) Change in ground level and increased density will have large visual impact
- p) Water being displaced into adjacent field
- q) How will essential outlet pipes be maintained and who will own them
- r) Loss of privacy
- s) Inadequate separation distances not in keeping with national guidelines or neighbouring properties
- t) Loss of view
- u) Increase pressure on woods, horses spooked by behaviour in woods
- v) Not in keeping with design or quality of David Wilson development, now high density barrett development
- w) Not in keeping with leafy suburb character of area
- x) Poor design and size of houses substandard
- y) Poor broadband speeds.
- z) Money meant for Chandlers Ridge has been used elsewhere by the Council
- aa) Marton West Neighbourhood Plan places emphasis on provision of mixed housing e.g. bungalows
- bb) Poor layout
- cc) No demand for extra housing
- dd) De-value properties
- ee) Miss-sold our home by David Wilson
- ff) No longer in keeping with the original concept for the site
- gg) Will be just like any of urban housing estate
- hh) Original permission should be revoked and the developer required to submit a new application and hold public consultation
- ii) ii) We can't change our front door or put solar panels up but the developer can change the scheme, why are they not held to the same standards.

Received from:

- 1) 24 Beverly Road
- 2) 5 Brass Castle Lane
- 3) 3 Clevegate
- 4) 19 Collingham Drive
- 5) 17 The Croft
- 6) 7 De Brus Park
- 7) 16 Ellerbeck Avenue
- 8) 18 Grey Towers Drive
- 9) 98 Gypsy Lane
- 10) 2 Innes Court, Wyke Lane
- 11) 4 Leckfell Close
- 12) 7 Muirfield (Our Greenways)
- 13) 9 Thimbleby Close
- 14) 2 Village Green View
- 15) 1 Wildon Grange
- 16) 3 Wildon Grange
- 17) 17 Wildon Grange

#### MBC - Policy

14. The proposed development exceeds the number of properties for the Grey Towers site as detailed within the Housing Local Plan policy H28, the proposal would meet National Planning Policy Framework aims and objectives, regarding increasing and delivering a wide choice of high quality homes. In addition, the introduction of a higher density element, whilst a different character to the rest of the site in terms of density, will enhance the types of dwellings available and will complement the ongoing development. There will also be additional developer contribution requirements, to mitigate against any impacts deriving from the proposal.
15. Given the above and on balance the proposal can be considered for approval, subject to Development Control overall evaluation

#### MBC - Highways

16. The application details have demonstrated that the level of traffic generated by the proposed scheme and its subsequent impact on the adjacent highway network is not materially different to that previously considered, mitigated for and approved by the authority.
17. The design of the internal layout has not materially changed from the approved scheme and follows the principles established through the outline masterplan with the scheme being designed and constructed to a standard suitable for adoption. The parking provision exceeds the maximum requirement in the Highways Design Guide and managed areas of on-street casual caller/visitor parking have been provided. As such no objections are raised subject to appropriate conditions.

#### MBC - Waste Policy

18. All Refuse & Recycling must be placed out for collection at the nearest public highway. Households with shared drives must make their waste & recycling available at the nearest public highway.

#### MBC - Environmental Health

19. The application has been considered in relation to noise nuisance from the local highway network, air quality as a result of the additional traffic, and site contamination. No objections have been raised subject to relevant conditions.

#### Northern Gas

20. No objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

#### Northumbrian Water

21. We note a drainage strategy has been submitted with the planning application that states discussions are currently taking place to agree the additional foul discharge rate, however, no evidence has been provided that demonstrates an agreement with Northumbrian Water or that the public sewerage network can accept the additional flows. We would therefore request a foul and surface water condition.

#### Northern Powergrid

22. No response

#### Ramblers Association

23. No response

## Secured by Design - Cleveland Police

24. In relation to this application, I recommend applicant actively seek to accredited Secured By Design Gold standards, Silver should be a minimum. Full guidance is found on SBD Homes 2019 document at [www.securedbydesign.com](http://www.securedbydesign.com). In all instances I recommend applicant contact me for any input/guidance I can offer in relation to designing out opportunities for crime and disorder to occur.
25. On viewing the plans I would make the following comments in addition to any previously made in relation to the wider development:
  - The street lighting across all aspects of roadways and pathways, adopted or not, should be lit to BS5489:2013 SBD acceptable standards.
  - External side and rear boundary treatments are recommended to be raised from 1.8m to 2.0m
  - Where side/rear boundaries abut open land then I recommend this is raised to minimum of 2.2m this could be a fence with trellis above.

## Councillor Mieka Smiles

### 26. Objects

- a) An increase to housing on this development - by 70% on top of the agreed planning permission for 60 dwellings in this case - will put pressure on our already stretched infrastructure in Nunthorpe, including enough classrooms in our schools and the lack of a fit-for-purpose GP surgery. We also have a complete deficit of community facilities in Nunthorpe, with no community centre.
- b) Traffic pressures in the area are obvious - and more houses will only act to exasperate an already dire situation.
- c) The original vision for Grey Towers Village will be significantly watered down, with the original designs of homes being changed for those of a lesser specification.
- d) Residents have raised concerns about traffic on the estate itself - including the impact from an obvious increase in vehicles as a result of these extra homes and a lack of exit and entry points to the estate.
- e) I'm concerned about the loss of green space and habitats in Nunthorpe - an increase of housing on this phase could lead to a reduction in green areas and wildlife.

## Councillor Jon Rathmell

27. The original development of the Grey Towers Farm site was met with vigorous opposition. This resulted in a design brief and proposal of a "village" feel. The design, density and layout of the proposed plans is so far removed from the already built phases that it would not be in keeping to the initial plans for the site. The proposals lack the character and feel of a village that was the original aim and one eventually accepted and embraced by residents. The plans proposed would make this look like an oddment or crude add on to an estate, already built, which has a desirable feel and meets with the original promises and brief.
28. The current estate already has a number of road safety concerns from residents about the volume of traffic, the speed of traffic and complaints of Antisocial Behaviour with the use of a motor vehicle. Residents of the estate have met with members of the David Wilson management team and expressed their concerns. These concerns are being taken seriously by the developer with promises of proposals assisting to reduce the problem. None of this information is contained within the current plans and has been omitted.
29. The site currently maintains a village feel which the new plans depart from significantly, given the knowledge of the road safety concerns increasing the density

to 102 will just increase the problem as these proposed properties would access the estate by the already bus, main singular primary access route to the proposed development via Dixon's Bank.

30. Dixon's Bank and Grey Towers Farm have already been reported as areas of concern due to the volume of traffic, speeding and no action has been taken. These issues are very real and pose significant factors to consider.
31. The proposed plans do not give adequate consideration for alternative sustainable transport schemes to alleviate the already heavily congested flow on to Dixon's Bank.
32. The design should be for a less densely populated site reflecting the village feel in a design equivalent to the current David Wilson site. The site should also incorporate natural traffic calming measures which blend within their surroundings. There should be a mix of housing ranging from 2 bed starter homes, 3 & 4 bedroom properties for those looking at downsizing. The surrounding sites such as the Bellway development at Nunthorpe have had to change their plans and develop smaller units.
33. We need a development which is going to fit in its surroundings and not stick out like a sore thumb.

#### Nunthorpe Parish Council

34. Nunthorpe Parish Council object to the above proposal. The original concept devised by David Wilson Homes with their initial 295 dwelling proposal was to reflect the random design of a small North Yorkshire village within the oft-called leafy suburb of Nunthorpe. With the continuing increase in the number of dwellings on each subsequent planning application this concept has been distorted to the extent that the development (especially Phase 8) is becoming a relatively high-density urban clutter and an unattractive housing estate. It is of particular concern to Nunthorpe residents that housing developments like this are "sold" to them on a premise that is then often reneged upon further into the project. This is tantamount to deceit and NPC believe that Middlesbrough Council should insist that the developer adheres to the original planning application.
35. Also, with the size of the development being unreasonably increased it has become very evident this is becoming no more than an urbanised estate. With the lack of the required accompanying social facilities, it will become an unsustainable community within the boundaries of Nunthorpe, with Nunthorpe itself being a community already deprived of adequate social facilities and amenities.
36. The expanded housing development proposed here will further exacerbate the traffic problems seen on Dixons Bank and the wider Marton Crawl into Middlesbrough. The road network is at breaking point now and in our opinion this will continue to be the case even after the completion of the discredited Dixons Bank widening scheme. North bound traffic flow during the morning rush hour will not be relieved. For the Council traffic planners to make incremental assessments of each development scheme and conclude that they each make no material difference to the traffic flows is to ignore the holistic picture and reality clearly shows that this approach is seriously flawed.
37. Nunthorpe Parish Council therefore request that this revised application is refused.

#### Marton West Community Council

38. The Community Council wishes to object to the increase in housing numbers on the above site on the following grounds:



- a) The surrounding road infrastructure cannot take any more traffic
- b) There will be a considerable increase in vehicles accessing Dixons Bank - already a problem area for traffic
- c) The nearby traffic lights on Dixons Bank / Brass Castle Lane / Guisborough Road are no longer appropriate for the existing traffic. Could these be re-aligned to be opposite each other whether or not this change of development goes ahead?
- d) There is only one access to Dixons Bank creating long queues at peak times for Grey Towers Farm residents

## Public Responses

Number of original neighbour consultations	118
Total numbers of comments received from residents	17
Total number of objections received from residents	17
Total number of support	0
Total number of representations	0

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## PLANNING CONSIDERATION AND ASSESSMENT

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39. The planning application before Members is a full application for the development of 102 dwellings and associated works including roads, drainage and landscaping. The site is an allocated site for housing in the Housing Local Plan and permission has previously been given for housing on the site. As a result the principle of dwellings on this land has been established. This application is for a re-plan of 60 dwellings which have already been approved. The remaining 42 dwellings are additional dwellings on top of the 410 approved for the overall site which would raise the total number of properties to 452. This application will consider the principle of a further 42 dwellings on the site in planning policy terms and the highways implications, and the detail of the 102 dwellings proposed in terms of the drainage infrastructure, landscaping, appearance, scale and the site layout.
40. During the application process revisions have been made to the layout and the housetypes in response to consultation responses and officer comments. The revised details are the subject of this report.
41. The comments received will be considered throughout this report. Those comments which are not material planning considerations cannot be considered when determining this application. These include:
- a) mis-sold properties;
  - b) decrease in property values;
  - c) loss of views; and,
  - d) the availability of services such as doctors.

### Planning Policy

42. The application site is part of the wider Grey Towers site allocated in the Housing Local Plan for residential development where Local Plan Policy H28 applies.
43. Outline consent for the Grey Towers development was granted permission for 295 dwellings, in accordance with policy H28. Subsequent applications increased the number of dwellings on the site, this application seeks a further increase of dwellings by 42 units to 452 dwellings. This increase will be contrary to Housing Local Plan Policy H28, which states that the site should contain a bespoke executive residential scheme, to provide a maximum 295 dwellings.

44. In terms of the increase of numbers, previous approvals on this site has accepted the principle of increased numbers of units beyond the policy allocation. As a result determining this application solely on the numbers of units proposed would go against the principles set out in the NPPF. Consideration has to take into account the impact associated with the increased numbers. Policy H28 is largely based around a design ethos and therefore the impact on the design as a result of the increased numbers is a key consideration along with economic, social and sustainable criteria.
45. Policy H28, sets out the overarching design concept for the development and requires development proposals to provide an executive residential development based on an approximate target density of seven dwellings per hectare, centred on three character areas (a village core, village streets and houses in landscape) which are different, distinct, interlinked, and reflects a North Yorkshire village setting. This application does not accord with the provisions of this policy in that it does not provide for executive housing and also exceeds the maximum number of dwellings specified.
46. The applicant has advised that the scheme has been re-planned to align it to market demand in this area of the Town and wider area.
47. Although the proposal is contrary to Policy H28 consideration needs to be given to providing housing to meet needs and balancing the policy requirements in the Plan. The National Planning Policy Framework (NPPF) makes clear that when local planning authorities assess residential schemes they should take account of the need to deliver a wide choice of high quality homes, widen opportunities for different types of home ownership, and plan positively for the achievement of high quality and inclusive design for all development. In addition, the NPPF states that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.
48. The development marginally increases the number of four bed properties and increases the number of three bed properties providing opportunities for those who want to live in a high quality development which boasts significant landscaped areas but do not want a large property. The increase in the number of three bed properties offers an enhanced choice across the wider site.
49. The proposed development also retains a significant amount of open space and seeks to enhance the woodland at the site and provide play/art leisure facilities for community use which would in turn retain the original high quality North Yorkshire design ethos and although the number of proposed properties is greater than the number stated within Housing Local Plan Policy H28, it is considered that the proposal would meet National Planning Policy Framework aims and objectives, regarding increasing and delivering a wide choice of high quality homes as well as the similar requirements of Local Plan Policy H10.
50. Policy H28 also requires financial or other contributions in relation to offsite affordable housing, transport infrastructure improvements, Marton West Beck improvements, Community facilities, open space and sustainable travel in order to mitigate against the demands placed on the wider area as a result of the proposed dwellings.
51. The proposed development will also contribute towards meeting the required housing numbers in line with policies H1 and H11 of the Local Plan.
52. The proposal forms part of the Grey Towers Farm residential development scheme, which largely falls within the Nunthorpe Ward boundary. This phase of the scheme

and the proposal site, however, is located within the Marton West Ward boundary. The Marton West Neighbourhood Plan in this instance does not contain any specific policies in respect of the proposal site, however, under policy MW2: Housing Allocations, the Plan supports the sustainable growth of Marton West in accordance with Housing Local Plan policies H30 and H31.

53. Policy MW6: Design, which seeks to ensure that new development reflects and enhances the character of the area in terms of its, scale, massing, proportion, form and materials, as well as being of a similar scale and proportion to that of the surrounding area would also be relevant.

#### Highways - MBC

54. Previous consents for the site have been considered and approved and can be/are being implemented without the need for further planning approval. Previous decisions and their accepted impacts on the site are a material planning consideration. Comments and any subsequent conditions or mitigation must be solely related to the potential impact of the development proposals we are now being asked to consider. The proposals result in an increase in number of residential units on the site of 42.
55. The application has been supported by a Transport Statement which uses the same methodology with regards to trip generation as the previously considered and consented schemes. This methodology utilised survey data from the occupied element of the development. The subsequent trip rate established is appropriate and comparable to both the TRICS database and a survey of another site in Middlesbrough.
56. Paragraph 109 of the NPPF states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”* Based upon this evidence based approach the 42 additional dwellings will generate 33 two-way vehicle movements during the AM/PM highway peak periods. These peak periods are when the highway network is at its most sensitive. Currently the peak periods see 3900 vehicle movements, the additional 33 movements is an increase of 0.9%. Such an increase in traffic equates to in the region of 1 vehicle every two minutes. Once this traffic is distributed onto the highway network and passes through adjacent junctions/takes different routes the impact is further reduced. When considering existing traffic flows and future traffic flows (which take into account the consented number of units on the development) the impact cannot be demonstrated to be significant or severe when assessed against the NPPF.
57. Accident history of the immediate highway network has been checked and no accident patterns/clusters which could be exacerbated by the proposals have been identified.
58. Further financial contributions which could be used towards the delivery of infrastructure works have been sought and are proportionate to the scale of increase of development.
59. The internal highway layout has not materially changed from that considered and approved previously and will be designed and constructed to MBC standards and offered for adoption. The in curtilage parking provision exceeds the maximum standards set out in the Highways Design Guide and managed areas of on-street casual caller/visitor parking have been provided. The internal road layout, hierarchy

and traffic calming measures such as islands, shared surfaces and road narrowing/pinch points all seek to reduce speeds throughout the development.

60. There are existing public rights of way and bridleways at, and adjacent to the site. The developer has agreed to the dedication of a series of rights of way, bridleways and cycle paths throughout the application site and the wider Grey Towers development connecting the different landscaped areas and woodlands in the site, linking to the existing rights of way, bridleway and cycle network outside the site. S106 contributions towards highway improvements and sustainable travel are also being sought to mitigate against the development and promote more sustainable methods of travel.
61. The application has been considered by the Local Highway Authority who have no objections to the scheme. The development is considered to be in accordance with the requirements of Local Plan Policies DC1 and CS5.

### Flood Risk

62. A Flood Risk Assessment has been submitted in support of the application. The site is within National Flood Zone 1 which is classified as having a low probability of flooding, less than 1 in 1000 annual probability of river or sea flooding (<0.1%), residential dwellings are therefore an appropriate form of development in line with the NPPF technical guidance table 3.
63. The proposed sustainable drainage scheme is incorporated into the landscape to provide a high quality green environment which features including a pond and swales and will mitigate against flooding at the site.
64. Surface water from the development will feed into Marton West Beck which is currently the subject of a scheme of improvement works. It is considered necessary to seek a s106 contribution towards these works to the beck.
65. The Local Flood Authority and Northumbrian Water have considered the submitted flood risk assessment and drainage details and have no objections subject to relevant conditions. The development is considered to be in accordance with the requirements of Policies DC1 and CS4.
66. The proposed development does not seek to remove drainage works previously installed at the site to serve the adjacent land owner and the Construction Management plan details mitigation measures to deal with surface water run off leaving the site.

### Environmental Health

67. Environmental Health have considered the application in relation to noise from the highway, air quality and site contamination. An air quality assessment has been submitted, It concludes that mitigation with respect to air quality, is not required as the impact associated with development traffic is assessed as being negligible and 'not significant'.
68. Environmental Health have confirmed that they have no objections to the development subject to a condition to ensure the development is carried out in accordance with the noise assessment.

### Amenity

69. The separation distances with existing residential dwellings outside the Grey Towers site are in excess of the 21m (front to front) 14m (front to side) advised in the Urban

Design SPD, these distances are also met or exceeded with approved dwellings within other phases of the Grey Towers development. As a result the proposed development will not have a detrimental impact on the privacy of existing residents or approved dwellings.

70. The proposed dwellings are located to the north and northwest of approved dwellings within the wider site, as a result they will not result in any overshadowing of existing properties.
71. Internally within the development there are areas where the separation distances fall short of the 21m/14m guidance. During the application process the layout has sought to maximise the separation distances where possible through the orientation of dwellings within their plots and the housetypes proposed. It is considered that the shortfall in separation distances is minimal and assists in retaining the characteristics which have been used throughout the wider development and therefore, on a minimal basis is considered to be a positive element of the development.
72. Objections have been received in relation to the size of the dwellings being smaller and therefore of a reduced quality. The proposed dwellings either meet, or in the majority of cases exceed the government's space standards for new dwellings offering good amenity for the residents which is considered to contribute towards a high quality scheme.
73. It is considered that the development will not have a detrimental impact on the amenity of any existing residents, and the layout will ensure that new residents have adequate levels of amenities. The development is considered to be in accordance with the requirements of Policy DC1 and CS5.

## Design

74. During the application process officers noted a number of elements that were considered to undermine the overall achievement of high quality development within this phase. As a result the applicant was requested to alter the scheme to remove these elements and enhance the overall design quality to be more in line with policy guidance. By way of example some of the alterations included an increase in landscaped front gardens, separation of footpaths from the road, and where possible the removal of footpaths to reduce the extend of hard surfacing, and incorporation of drives to the side of properties rather than in front gardens and on-street visitor bays in landscaped settings. The developer has worked with the planning officers to make the necessary changes. The revised details for the basis of the scheme being considered.
75. This phase of the site is located in the northern part of the wider site, located within Marton West ward adjacent to the existing built up area at Eagle Park. As a result it makes it the ideal location for an area of increased density at Grey Towers adjacent to existing areas of higher density.
76. The proposed dwellings are located within the footprint of the previous phase. This scheme will retain the same level of public open space (opened landscaped areas, woodland and suds features) as the previously approved scheme. This part of the site is identified as 'village streets' in policy H28 which guides development to have *"a strong relatively formal and linear pattern of development fronting the streets, walks, lanes and wynds. These type of houses will have more space between them and larger garden."*

77. Importantly the increase in property numbers is achieved through the reduction of individual plot sizes within this part of the development. Due to the higher density the proposed development is considered to be a new character area for the site which does not conform to policy guidance. However, the design of the dwellings proposed are in keeping with those approved on the wider site and continue to take cues and characteristics from the North Yorkshire design ethos that is prevalent across the entire Grey Towers development. The use of varying boundary treatments, landscaping strategies and the fenestration, finishing materials and roof types link the proposed development with the earlier phases. As a result, although the development is higher density, it does not stray too far from the character and appearance of the approved development. It maintains the public space and therefore the key character principles of the overall Grey Towers development as originally envisaged has been maintained so that it is not considered to be out of keeping or to detract from the character of the area.
78. The proposed housetypes are of a good size in accordance with or exceeding government space standards. 8 house types are proposed, in place of the 9 housetypes previously approved on the site. The previous approval for the site included 51 no. 4 bed dwellings and 9 no. five bed dwellings, the proposed development increases the number of four bed dwellings to 66 and includes 36 three bed dwellings. The proposed housetypes incorporate various design details including hipped and gable roofs, bargeboards, soffits, decorative porches, and stepped elevations. The finishing materials proposed are the same as or reflect those approved for use in the wider site. The design details and finishing materials result in a high quality appearance of the dwellings and enhance the quality of the streetscene. Statement dwellings and corner turners have been located at prominent positions throughout the site to further enhance the streetscene and the quality of the development.
79. The NPPF requires local authorities to deliver a wide choice of high quality homes to significantly boost the supply of housing. The proposed dwellings offer a mix of high quality styles and sizes with varying garden sizes. The dwellings are considered to be in accordance with these requirements of the NPPF.
80. Previous applications for this site have been subject to conditions removing all permitted development rights for the residential dwellings. The removal of permitted development rights will enable the Local Planning Authority to further control alterations and extensions to the dwellings following their completion. This ensures that the high quality designs of the dwellings, and their relationship with their neighbours and landscaped areas are retained. For this reason it is considered that permitted development rights should also be removed for this development.
81. The buildings will need to save or provide 10% energy beyond typical usage either through on site renewables or a fabric first approach as required by Policy CS4. The proposed dwellings will take the fabric first approach and will be built to an enhanced specification rather than basic compliance with Part L1A 2013.
82. The proposed dwellings are considered to be high quality design in accordance with the requirements of Policies DC1, CS4 and CS5.

### Streetscene

83. 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 this area of the town provides a high quality residential environment with a mix of dwelling types and countryside. Whilst overall the character of the area will change with housing erected on this site, the existing

and proposed trees, hedges and landscape works, together with the internal layout, road hierarchy, design and orientation of the dwellings, will contribute towards a high quality streetscene which mitigates the visual impact of the development on its surroundings helping to assimilate the scheme into the wider residential area.

84. The site includes two large areas of woodland which are to be retained and enhanced through woodland management, and a pond and swales as part of the sustainable drainage scheme. The ponds, woodland and landscaped areas are of a significant benefit to the community providing leisure opportunities through walkways connecting the open areas and landscaped spaces, and enhancing the visual appearance of the area. In addition art/play equipment will be installed to enhance the leisure experience available to residents and to increase the visual appearance of the area.
85. The layout responds to existing natural features and the dwellings have been orientated to provide a maximum benefit from views over the open spaces and landscaped areas, with existing and new rights of way, cycle paths and bridleways penetrating the site connecting the properties to the landscaped and wooded areas and the wider right of way network. Statement dwellings have been located at prominent positions throughout the site to further enhance the streetscene and quality of the development.
86. The majority of the dwellings proposed are detached dwellings, however the development includes 5 no. pairs of semi-detached dwellings. These dwellings have been designed so that they give the appearance of one large detached dwellings, as a result they will not appear overly different from the rest of the dwellings on site in terms of their appearance on the streetscene.
87. The layout incorporates secured by design principles with properties facing onto open areas and walkways providing high levels of natural surveillance. Future residents will also benefit from the open aspects.
88. It is considered that the development will not have a significantly adverse impact on the character and appearance of the area and will result in an attractive green streetscene to the benefit of existing and future residents. The development is in accordance with the requirements of Policies CS4 and CS5.

## Ecology

89. Ecological Impact Assessments have been submitted as part of the application documents which state that there is no evidence of protected species on the site, including great crested newt, otters and water vole. There is no evidence of badger use at a previous potential badger outlier sett and no additional setts have been identified. The site is known for bat commuting routes, no known bat roosts are present. A bat presence survey will be required prior to the removal of any trees within the woodland areas.
90. The majority of the application site is arable land with limited potential for wildlife. The existing woodlands and hedge rows are to be retained and enhanced with additional landscaping in the residential gardens. The addition of a new pond as part of the sustainable drainage scheme and grassland areas will enhance the visual appearance of the streetscene and will increase the potential for habitat suitable for amphibians and ground nesting birds, particularly as these areas have strong links throughout the wider Grey Towers site.
91. It is considered that although the development will result in the loss of open field the creation of landscaped and suds features proposed and effective woodland

management will offer enhanced ecological potential and have a positive impact in accordance with the requirements of Local Plan Policy CS4.

### Community Facilities

92. When considering the development of the site in 2011 for 295 dwellings it was acknowledged that the development would result in the need for increased education facilities. A financial contribution of £750,000 was required as part of the original outline consent for the site with the first instalment payable on the occupation of the 150th dwelling, to provide for additional capacity at a local school.
93. Education have been consulted and consider that the additional dwellings on the site do not result in a need for a further contribution beyond that already agreed. As a result the contribution towards education facilities will remain as agreed in the s106 for the wider site.
94. A contribution of £200,000 has been made towards Marton library as a result of the original s106, it is considered that a further contribution is not required.
95. Objections have been received in relation to the lack of a community centre. Policy H28 refers to a community centre being provided as part of the development. The Council has, through previous s106 agreements sought contributions towards community facilities. Further contributions are being sought towards community facilities and open space as part of the s106 agreement for this application as a result of the additional 42 dwellings. Discussions will take place to ascertain what community facilities will be provided.

### Conclusion

96. The analysis of the development determines that the proposals are for a sustainable development, which will assist in economic growth in the town. The proposed layout and dwellings are of a reasonably high quality design and would provide a pleasant and sustainable environment. Significant landscaped areas will enhance ecological potential and will benefit the wider community. There are no statutory objections to the proposal in terms of the sustainability of the site or the ability to meet necessary flood, ecology, highways and noise mitigation.
97. The application site is an allocated site within the approved Housing Local Plan. Although the additional dwellings conflict with some elements of Policy H28 it meets the other requirements of this policy and other relevant local and national policies. On balance the conflict with policy H28 does not outweigh the social, economic and environmental sustainable benefits of the development.
98. It is the planning view that none of the material objections raised will result in a significantly detrimental impact on the character of the area, the nearby residents or the community as a whole. The proposals do not conflict with local or national policies relating to sustainability, design, transport, open space or flood risk. The development will support the spatial vision set out in the development plan.

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## **RECOMMENDATIONS AND CONDITIONS**

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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. NE-30-13;
- b) Planning Layout, drawing no. NE-30-04N;
- c) Facing Materials Plan, drawing no. NE-30-05I;
- d) Parking Plan, drawing no. NE-30-06H;
- e) Boundary Treatments Plan, drawing no. NE-30-07I;
- f) Refuse Strategy Plan, drawing no. NE-30-08I;
- g) House Type Portfolio - Phase 8, reference no. NE-30-11B;
- h) Detailed Landscape Proposals Sheet 1 of 4, drawing no. c-1559-21;
- i) Detailed Landscape Proposals Sheet 2 of 4, drawing no. c-1559-22;
- j) Detailed Landscape Proposals Sheet 3 of 4, drawing no. c-1559-23;
- k) Detailed Landscape Proposals Sheet 4 of 4, drawing no. c-1559-24;
- l) External Plot Levels Phase 8 Sheet 1 of 4, drawing no. CLXX(90)4007-1 rev. A;
- m) External Plot Levels Phase 8 Sheet 2 of 4, drawing no. CLXX(90)4007-2 rev. A;
- n) External Plot Levels Phase 8 Sheet 3 of 4, drawing no. CLXX(90)4007-3 rev. A;
- o) External Plot Levels Phase 8 Sheet 4 of 4, drawing no. CLXX(90)4007-4 rev. A;
- p) Air Quality Assessment, dated January 2018, reference no. NT13578 0001;
- q) Communications Infrastructure Connectivity Statement, dated June 2019;
- r) Energy Statement, dated June 2019;
- s) Lighting Assessment, reference no. 1016512 dated January 2018;
- t) Noise Impact Assessment, reference no. 6122.2 rev. D;
- u) Phase 1 Desk Study, reference no. 1001748 dated 2nd December 2010;
- v) Preliminary Ecological Appraisal, dated 23rd January 2018;
- w) Residential Travel Plan, reference no. 0002.0 rev. 1 dated 26th January 2018;
- x) Transport Statement, reference no. A113453 dated June 2019;
- y) Sustainability Appraisal, reference no. 1016512-PG-RPT-001 rev. A;
- z) Waste Audit, dated February 2018;
- aa) Construction and Environmental Management Plan, dated 1st November 2019;
- bb) Flood Risk Assessment, reference no. 1016512-C-RPT-001 rev. C dated 5th July 2019;
- cc) Drainage Strategy, reference no. 1016512-C-RPT-002 rev. B dated 5th July 2019;
- dd) Proposed Drainage Layout Phase 8 Sheet 1, drawing no. CLXX(2)4000-1 rev. A;
- ee) Proposed Drainage Layout Phase 8 Sheet 2, drawing no. CLXX(2)4000-2 rev. A;
- ff) Proposed Drainage Layout Phase 8 Sheet 3, drawing no. CLXX(2)4000-3 rev. A;
- gg) Proposed Drainage Layout Phase 8 Sheet 4, drawing no. CLXX(2)4000-4;
- hh) Proposed Main Drainage Pods A and B, drawing no. CLXX(52)4001 rev. B;
  - a. ii) Proposed Main Drainage Pod C, drawing no. CLXX(52)4002 REV. B;
- ii) Proposed Main Drainage Pod D, drawing no. CLXX(52)4003 rev. B;
- jj) Proposed Main Drainage Pod E, drawing no. CLXX(52)4004 rev. B;
- kk) Proposed Main Drainage Pod F, drawing no. CLXX(52)4005 rev. B;
- ll) Proposed Main Drainage Phase 8, drawing no. CLXX(52)4006 rev. D;
- mm) Proposed Attenuation Ponds Plans and Typical Cross Sections, drawing no. CLXX(52)4007 REV. B;
- nn) Micro Drainage Calculations, received 31st July 2019;
- oo) Proposed s104 Drainage Layout Phase 8, Sheet 1, drawing no. CLXX(52)4001-1 rev. B;
- pp) Proposed s104 Drainage Layout Phase 8, Sheet 2, drawing no. CLXX(52)4001-2 rev. B;
- qq) Proposed s104 Drainage Layout Phase 8, Sheet 3, drawing no. CLXX(52)4001-3 rev. B;

- rr) Proposed s104 Drainage Layout Phase 8, Sheet 4, drawing no. CLXX(52)4001-4 rev. B;
- ss) Flood Exceedance Plan Phase 8, drawing no. CLXX(52)4003;
- tt) Proposed Attenuation Ponds Plans and Typical Cross Sections, drawing no. CLXX(90)4005; and,
- uu) Silt Management Plan, report no. 350285-R7 (01).

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

3. Materials - Approved Details

The development hereby approved shall be carried out in complete accordance with the external finishing materials detailed in the approved Facing Materials Plan, drawing no. NE-30-05E or in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of the visual amenities of the area

4. Construction Management

The development must be carried out in accordance with the approved Construction and Environmental Management Plan, dated 1st November 2019. Some elements of this document are not controlled by planning legislation (including hours of work), as such these details are for information purposes only.

Reason: In the interests of amenity and highway safety

5. Details of roads, footpaths and open spaces required

Fully detailed drawings illustrating the design and materials of roads, footpaths and other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction on site.

Reason: In the interests of highway safety.

6. Construction of Roads and Footways Prior to Occupation of Dwellings

No dwelling to which this planning permission relates shall be occupied unless or until the carriageway basecourse and kerb foundation to the new estate road and footpath to which it fronts, is adjacent to or gains access from, has been constructed. Road and footway wearing courses and street lighting shall be provided within 3 months of the date of commencement on the construction of the penultimate dwelling of the development.

Reason: To ensure appropriate access and egress to the properties, in the interests of highway safety and the convenience of prospective residents.

7. Car and cycle parking laid out

The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

8. Public Rights of Way and Bridleways

Within 6 months of commencement of the development hereby approved, a Public Right of Way phasing plan detailing both the timing of implementation and

construction details of the proposed Public Rights of Way shall be submitted to and approved in writing by the Local Planning Authority.

The approved Public Right of Way phasing plan shall be implemented as agreed, unless agreed otherwise by the Local Planning Authority.

Reason: To ensure appropriate facilities are provided throughout the development in order to promote an active lifestyle and reduce dependence on the private car.

9. Surface Water Drainage - Local Flood Authority

Prior to the commencement of development the following details and information must be submitted to and approved in writing by the local planning authority and thereafter implemented on site:

- a) A management plan detailing how surface water runoff from the site will be managed during construction Phase and prevented from affecting the surrounding highways etc.
- b) A build program and timetable for the provision of the critical surface water drainage infrastructure.

Reason: In interests of a sustainable development

10. Foul and Surface Water - NWL

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 and the Lead Local Flood Authority. 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.

11. Noise Assessment

The development hereby approved shall be carried out in accordance with the approved Noise Impact Assessment, reference no. 6122.2 rev. D. Any deviations from the recommendations made in the report shall be submitted to the local planning authority for approval prior to the occupation of the dwellings and will thereafter be implemented on site. Any mitigation works must be retained on site in an operational state for the lifetime of the building.

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

12. Contaminated Land Site Investigation

Prior to the commencement of development a full and competent site investigation including risk assessment must be undertaken and submitted to and approved in writing by the Local Planning Authority. This must identify any contamination present and specify adequate remediation. The development must be carried out in accordance with the approved risk assessment and remediation scheme.

Validation of the remediated site shall be provided in the form of a detailed completion statement confirming that works set out and agreed 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 amenities of the potential occupiers of the site.

13. Landscape Management Plan

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

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

14. Tree Protection and Works

Development shall not commence until:

- a) A plan showing the location of and allocating a reference number to each existing tree on the site which has a stem with a diameter measured over the bark at a point of 1.5m above ground level exceeding 75mm showing which trees are to be retained and the crown spread of each retained tree.
- b) Details of the species, diameter (measured in accordance with paragraph a) above and the approximate height and an assessment of the general state of health and stability of each retained tree and of each tree which is on land adjacent to the site and to which paragraph c) and d) below apply.
- c) Details of any proposed topping or lopping of any retained tree or of any tree on land adjacent to the site.
- d) Details of any proposed alteration in existing ground levels and of the position of any excavation within the crown spread of any retained tree or of any tree on land adjacent to the site equivalent to half the height of that tree.
- e) Details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

Reason: To prevent the loss during development of trees and natural features and to ensure so far as is practical that development progresses in accordance with current best practice.

15. 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.

16. Trees

In this condition retained tree means an existing tree which is to be retained 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 building for its permitted use.

- a) no retained tree 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. 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 is removed, uprooted or destroyed or dies during the period of construction another tree shall be planted at the same place and that tree 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 dies or needs to be removed within five years of completion, and

- this is found to have been the result of damage sustained during development, this replanting condition will remain in force
- c) the erection of fencing for the protection of any retained tree 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, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. 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 shall be protected fully in accordance with British Standard 5837:1991 (Guide for Trees in Relation to Construction). In particular, fencing must not be dismantled at anytime without the prior consent of the local planning authority.

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

17. Hedges and Hedgerows

All hedges or hedgerows on the site unless indicated as being removed shall be retained and protected on land within each phase in accordance with details submitted to and approved in writing by the local planning authority for the duration of works on land within each phase unless otherwise agreeing in writing by the local planning authority. In the event that hedges or hedgerows become damaged or otherwise defective during such period the local planning authority shall be notified in writing as soon as reasonably practicable. Within one month a scheme of remedial action, including timetable for implementation shall be submitted to the local planning authority. The approved scheme shall be implemented in accordance with the approved timetable. Any trees or plants which within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure avoidance of damage to existing hedgerows and natural features during the construction phase, to enable the development to integrate into the landscape.

18. Bat Survey

Prior to the removal of any trees within the woodland areas as identified on the approved plans detailed in condition 2, a bat survey must be submitted to and approved in writing by the Local Planning Authority, as detailed in the approved Ecological Impact Assessment, dated January 2018 and Preliminary Ecological Appraisal, dated January 2018. The survey will identify the presence of bats on the site and any mitigation necessary. Thereafter the mitigation works will be implemented on site and retained in perpetuity.

Reason: To ensure a satisfactory form of development

19. Ecology

The development must be carried out in accordance with the recommendations detailed in the approved Ecological Impact Assessment, dated January 2018 and Preliminary Ecological Appraisal, dated January 2018.

Reason: To ensure a satisfactory form of development

20. Provision of Art/Play

Details specifications of informal art/play provision to be constructed in the wooded area, including a management and maintenance scheme, must be submitted to and approved in writing by the Local Planning Authority. The play equipment must be

installed as approved prior to the completion of construction of the dwellings hereby approved and thereafter retained on site.

Reason: To secure a satisfactory form of development.

21. PD Rights Removed - Access  
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no vehicular or pedestrian access other than that shown on the approved plans, shall be formed on the site

Reason: In the Interests of Highway Safety.

22. PD Rights Removed - Boundary Enclosures  
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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) shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, footpath or open space.

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

23. PD Rights Removed - Extensions/Alterations and Outbuildings  
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no building hereby approved shall be extended or materially altered in external appearance in any way nor shall any ancillary buildings be erected in the curtilage of any property without planning permission being obtained from the Local Planning Authority.

Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based.

### **REASON FOR APPROVAL**

The proposed development of housing at Grey Towers 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.

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

In particular, the proposal meets the national planning policy framework and guidance, in that the proposal is for a housing development that would not be out of scale and character within the surrounding area, and would not be detrimental to the local and residential amenities of the area. Issues of principle regarding development on an allocated site, the layout and design of the housing scheme and the generation of traffic, have been considered fully, including those set out in the representations made by nearby residents, and are not considered, on balance, to give rise to any inappropriate or undue affects. Accordingly, the Local Planning Authority considers that there are no material planning considerations that

would override the general assumption that development be approved unless other material factors determine otherwise.

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## INFORMATIVES

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### Fee Required

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

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

### (S38)

The applicant is advised that prior to the commencement of works on site they should contact the Highway Authority (01642 728156), with a view to preparing the necessary drawings and legal work required for the formal adoption of the new highway layout. The S38 Agreement should be in place prior to the commencement of works on site.

### (Delap)

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused. Under the terms of the 1980 Highways Act Middlesbrough Council will seek to recover any expenses incurred in repairing or making good such damage. The applicants are therefore strongly advised to carry out a joint dilapidation survey with the authority prior to and upon completion of, works on site. (01642 728156)

### (Stats)

The applicant is advised that the proposed scheme is likely to affect statutory undertakers equipment in the vicinity of the site and that such equipment may require alterations. The applicant should therefore contact all the utilities to ascertain the location of the equipment and any requirements they may have prior to works commencing

### (PROW)

The applicant is advised that the proposed scheme is likely to affect the adjacent Public Right of Way. The PROW should remain free to use throughout the works and unaltered without the prior consent of the authorities PROW officer. Any diversions or extinguishments will require the relevant legal works, which will need to be funded by the applicant and carried out prior to the commencement of works on site. Such legal processes are not guaranteed to be successful.

(For further information contact Stewart Williams 01642 728153)

The creation of the agreed Public Rights of Way will require the completion of a dedication agreement on a phase by phase basis. Such agreements are separate to the granting of planning consent. (For further information contact Stewart Williams 01642 728153)

### Building Materials

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

### Street Name and Numbering

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

### Statutory Undertakers

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.

Case Officer: Shelly Pearman

Committee Date: 6th December 2019



