

PLANNING AND DEVELOPMENT COMMITTEE

Date: Thursday 4th September, 2025 Time: 1.30 pm Venue: Mandela Room

AGENDA

1. Welcome, Introduction and Fire Evacuation Procedure

In the event the fire alarm sounds attendees will be advised to evacuate the building via the nearest fire exit and assemble at the Bottle of Notes opposite MIMA.

2. Apologies for Absence

3. Declarations of Interest

4. Minutes - Planning and Development Committee - 3 July 2025 3 - 6

5. Schedule of Remaining Planning Applications to be Considered by Committee 7 - 48

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Item 1 – Hemlington Grange – Page 9

Item 2 – 50 Outram Street – Page 37

6. Weekly Update List - Applications Received 49 - 52

7. Delegated Planning Decisions 53 - 58

8. Planning Appeals 59 - 98

Appeal Decision – Nunthorpe Grange, TS7 0PD

Appeal Decision – 99 York Road, TS5 6LJ

Appeal Decision – Land off Stokesley Road

9. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin
Director of Legal and Governance Services

Town Hall
Middlesbrough
Wednesday 27 August 2025

MEMBERSHIP

Councillors J Thompson (Chair), J Rostron (Vice-Chair), I Blades, D Branson, D Coupe, M McClintock, I Morrish, J Ryles, M Saunders and G Wilson

Assistance in accessing information

Should you have any queries on accessing the Agenda and associated information please contact Joanne McNally, 01642 728329, Joanne_McNally@middlesbrough.gov.uk

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on Thursday 3 July 2025.

PRESENT: Councillors J Thompson (Chair), J Rostron (Vice-Chair), I Blades, D Coupe, I Morrish, G Wilson and D Branson

ALSO IN ATTENDANCE: M Barlow and R Evershed

OFFICERS: A Glossop, R Harwood, J McNally, S Pearman and S Thompson

APOLOGIES FOR ABSENCE: Councillor J Ryles

25/9 WELCOME, INTRODUCTIONS AND FIRE EVACUATION PROCEDURE

The Chair welcomed everyone to the meeting and explained the Fire Evacuation Procedure.

25/10 DECLARATIONS OF INTEREST

There were no declarations of interest received at this point in the meeting.

25/11 MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 5 JUNE 2025

The minutes of the meeting of the Planning and Development Committee held on 5 June 2025 were submitted and approved as a correct record.

25/12 SCHEDULE OF REMAINING PLANNING APPLICATIONS TO BE CONSIDERED BY COMMITTEE

The Head of Planning submitted plans deposited as applications to develop land under the Town and Country Planning Act 1990.

25/0074/FUL, former Crombie's Site, Emmerson Street, Middlesbrough, TS5 6NS, Retrospective Erection of 6no. industrial units including associated parking (Demolition of existing industrial units)

Members were advised that permission was sought for some demolition of existing buildings on the site and the erection of 6 no. industrial units with use B2 and B8. Members heard that some buildings had already been demolished and buildings erected in part which had been subject to a previous planning application that had been refused and subsequently dismissed at appeal. Therefore, this application sought consent for a revised scheme.

The Planning Officer advised Members that the site had no specific allocation in the Local Plan. It was located in a commercial/industrial area therefore the principle of the proposed industrial use on this site was considered suitable. It was considered that the proposed development would provide a good reuse of the vacant site without a significant detrimental impact on surrounding properties. The scale and design of the proposed units was in keeping with the surrounding area.

The revised plans reduced the depth of the units which in turn reduced the height of the building at its highest point. The revised plans also included more details in relation to a servicing area at the site and parking.

The proposed development fronts Emmerson/Stonehouse Street and sought to provide some parking / servicing directly in front of the units which would assist in providing for the comings and goings of the unit's day to day. There was additional parking also being provided adjacent to the units. Members heard that when assessing the current proposals and taking into account the previous scheme and Inspectors decision the Highway Authority now did not raise any concerns and considered that the revised scheme adequately addresses the issues raised.

It was advised that the revised scheme looked to reduce the visual impact of the proposed units on the residential properties at Canterbury Grove. The development would increase the height of the boundary wall by approximately 0.2m, taking the total wall height to 2.7m. The previously erected block and render wall would be removed. The small increase in height creates a parapet with the roof and a box guttering system sitting behind it. The guttering system would have a downpipe that runs internally to ensure it does not overhang the residential properties, and any issues with the guttering can be maintained from within the site without need to gain access from the residential properties.

The eaves height as proposed was more in keeping with single storey buildings and was no longer comparable to the eaves height of the two-storey houses as referenced by the Inspector.

The proposed scheme also significantly reduced the depth of the proposed units which in turn reduced the height of the building at its highest point to approximately 4.2m which was over 1m lower than the original scheme which was dismissed by the Inspector and which was of a scale in keeping with surrounding properties in the industrial estate and lower than the residential properties to the rear.

The Agent for the application addressed the committee and raised the following:

- The application had redesigned the building to address the original objections that had been raised
- The site was currently an eyesore, and was a magnet for anti-social behaviour, drug use and prostitution by redeveloping the site these issues would be removed
- The units could house 6 individual smaller businesses which would provide economic benefits and employment opportunities

A Member raised concerns over the use of large vehicles accessing the site it was advised that the forecourt was of flexible use and due to the size of the units it would be unlikely that large vehicles would be servicing them.

ORDERED that the application be Approved subject to the conditions detailed in the report.

25/0189/FUL, vacant land adjacent to new Medical Centre, Stokesley Road, Middlesbrough, TS7 0NB, erection of single storey community building with associated parking and external works

Members were advised that planning permission was sought for the construction of a community centre on the land east of Stokesley Road and to the south of the existing doctor's surgery.

The Development Control Manager stated that the relevant policies in the Council's 2014 Local Plan allocated the land subject to the application for residential development. The proposed application was considered to represent a departure from the adopted Development Plan. However, the application site formed part of policies HO4 and HO4d of the Council's Publication Local Plan (PLP). Paragraph 49 of the National Planning Policy Framework sets out that appropriate weight can be given to relevant policies in emerging plans. Policy HO4d in the PLP stated that the application site was allocated for residential development, a care home and a community hub, the proposals for a community building were therefore considered to be acceptable.

Members heard that the design, layout and arrangement of the proposal had been assessed and considered to be of a high quality that was in accordance with the relevant local and national policies.

It was advised that the building would be of single storey and the render, timber and cladding was similar to the neighbouring medical centre. There would be a small car park with 14 spaces, a community garden and hard/soft landscaping.

Members were advised that vehicular access to the development would be via a new access taken from the existing access road that serves the adjacent Nunthorpe Medical Centre. The access meets the relevant standards in terms of width and sightlines and serves a small car

park of 14 spaces, which is in accordance with the Tees Valley Highway Design Guide for development of this type.

The site would be accessible via public footpaths and bus services could be accessed at stops a short walk away on Stokesley Road and Guisborough Road. In addition, the site was a relatively short distance from Nunthorpe train station and there was a combined cycleway/footpath near to the site along Dixon's Bank/A172. Cycle parking would be provided, supporting users of the community facilities to travel by bicycle.

It was highlighted that paragraph 17 and 18 in the report were duplicates.

The relevant neighbouring properties and technical services had been consulted on the proposals and no objections have been raised.

Members were advised that subsequent to the completion of the Officer Committee Report the following documents had been submitted by the applicant for consideration as part of the application.

- Phase Two Site Investigation
- Ground Gas Risk Assessment
- Noise Impact Assessment

Members heard that it was the officer opinion that the application should be approved in line with the conditions in the main report, subject to the following:

Condition 4 Site Investigation and Remediation Works to be replaced with a new condition Reporting of Unexpected Contamination.

An additional condition was recommended to deal with noise from any plant and machinery.

A resident spoke in support of the application, the resident stated that they were looking forward to using the building it was community focused, and the general opinion of local people was that they were looking forward to using the facility and that the general design was good and in keeping with the area.

A Member raised concern over the number of parking spaces available the Development Control Manager stated that the majority of people would walk or cycle to the centre as it was centrally located. The Highways Officer clarified that the number of car parking spaces met the Tees Valley Highway Design Guide.

ORDERED that the application be Approved subject to the conditions detailed in the report and the addition of the conditions detailed in the addendum report.

25/13

WEEKLY UPDATES LIST - APPLICATIONS RECEIVED

The Development Control Manager submitted details of new planning applications that had been received on a weekly basis over the last month. The purpose of this was to provide Members with the opportunity of viewing current live applications, which had yet to be considered by officers.

The Committee discussed the contents of the document. The officer advised that if Members felt that an application ought to be considered by the Committee, he should be advised accordingly.

Members raised concerns over accessing online applications, it was agreed that the Development Control Manager would provide training to Members before the next meeting of the Planning & Development Committee.

Agreed as follows:

- Members noted the information presented
- The Democratic Services Officer to arrange training on accessing online planning applications

25/14 **DELEGATED PLANNING DECISIONS**

The Head of Planning submitted details of planning applications which had been approved to date in accordance with the delegated authority granted to him at Minute 187 (29 September 1992).

NOTED

25/15 **PLANNING APPEALS/ENFORCEMENT NOTICE COMPLIANCE**

The Development Control Manager provided an update to Members on various planning appeals and Enforcement Notices.

25/16 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

The Chair informed the Planning and Development Committee that data would be presented at the next Planning & Development Committee which would include the number of planning applications heard at the Planning & Development Committee, numbers of appeals received, appeals overturned and dismissed. The data for 2024/25 would be presented at the September meeting and then annually going forward.

Planning & Development Committee Schedule - 04-Sep-2025

Town Planning applications which require special consideration

1	<p>Reference No: 24/0463/RES</p> <p>Ward: Coulby Newham Hemlington Stainton And Thornton</p>	<p>Applicant: Persimmon Teesside</p> <p>Agent:</p>	<p>Description: Reserved Matters application (Phase 3b and 4b)for the erection of 225 no. dwellings, landscaping, SUDs basins and associated infrastructure on application ref. M/FP/0082/16/P</p> <p>Location: Hemlington Grange Phase 3B & 4B, Middlesbrough</p>
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2	<p>Reference No: 25/0280/COU</p> <p>Ward: Newport</p>	<p>Applicant: Mr Stephen Gardiner</p> <p>Agent:</p>	<p>Description: Change of use from dwelling (C3) to 3 bed HMO (C4)</p> <p>Location: 50, Outram Street, Middlesbrough, TS1 4EG</p>
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APPLICATION DETAILS

Application No:	24/0463/RES
Location:	Hemlington Grange Phase 3B & 4B, Middlesbrough
Proposal:	Reserved Matters application (Phase 3b and 4b) for the erection of 225 no. dwellings, landscaping, SUDs basins and associated infrastructure on application ref. M/FP/0082/16/P
Applicant:	Persimmon Homes
Ward:	Stainton And Thornton
Recommendation:	Approve with conditions subject to legal agreement

SUMMARY

Permission is sought for the erection of 225 dwellings on the Hemlington Grange housing development site.

Following a consultation exercise a petition was received in objection to the development. The petition was signed by 28 residents from 16 properties. Further objections were received from residents from 9 properties (including one from the lead petitioner).

No technical objections were received from consultees.

The site is allocated for housing in the Local Plan. The application site is phase 3b and 4b of the wider site which benefits from outline consent for residential development therefore the principle of residential dwellings on this site is acceptable. It is considered that the proposed development would provide a good mix of dwelling types which are of a high quality design and materials, in an attractive landscaped setting with an appropriate layout that will complement the earlier phases of development. The development will not result in a significant detrimental impact on the amenities of existing local residents and provides good sustainable transport links.

The development meets the requirements of the relevant national planning policies detailed within the NPPF and Local Plan Policies, H7, H23, CS4, CS5 and DC1. The recommendation is for approval of the application subject to conditions and a legal agreement to secure the required nutrient neutrality mitigation.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The site is located within the wider Hemlington Grange site which has outline consent for approximately 1200 dwellings. The site is currently under construction with the majority of the approved dwellings complete.

This application seeks reserved matters consent for the last two phases (Persimmon phases 3 and 4, also known as phases 3b and 4b).

Phase 3b is located at south of the wider site to the south of Hemlington Grange Way and to the west of Wolseley Way which is an earlier phase of the development. To the west of phase 3b is an area of open space which is part of the wider Hemlington Grange site which currently does not benefit from any planning permission. To the south is open space and to the east is an area of open space which benefits from outline consent for housing.

Phase 4b is located to the north of Hemlington Grange Way between Elvey Lane and Cookson Road. To the north, east and west are houses which are part of the earlier phases of the wider site, with intervening landscaped areas.

The principle of residential development has been established by the earlier permission and this reserved matters application seeks consent for certain details or 'matters' for 225 dwellings, specifically the scale, mass and layout of the residential dwellings and highway, drainage infrastructure and landscaping.

The proposed 225 dwellings include 101 detached dwellings, 118 semi-detached dwellings and 6 terrace dwellings consisting of:

- a) 16 two-storey two bed dwellings;
- b) 79 two-storey three bed dwellings;
- c) 58 two-storey four bed dwellings;
- d) 36 three-storey three bed dwellings.
- e) 36 three-storey four bed dwellings.

A compliance statement, as required by the outline application, has been submitted in support of the application.

Officer Site Visit:
28th January 2025

PLANNING HISTORY

M/FP/0082/16/P Hybrid application for residential development consisting of full planning consent for 124 dwellings with associated works and outline permission for an area of 42.29ha. Approve with Conditions
11th April 2016

16/5435/RES Residential Development comprising 149no dwellings with associated works (Phase 1a) Approve with Conditions
14th February 2017

18/0174/RES Erection of 145no dwellings with associated garaging, SUDs basin and landscaping (Phase 2A) Approve with Conditions
10th July 2018

19/0530/RES Reserved matters application for the erection of 237no. dwellings with associated garages, provision of SUDs infrastructure, landscaping and ancillary works pursuant on application M/FP/0082/16/P Approve with Conditions
10th December 2019

19/0597/RES Reserved matters application for 201 no. dwellings, landscaping and associated works on application M/FP/0082/16/P Approve with Conditions
25th September 2020

20/0405/AMD Non material amendment to 19/0530/RES for alterations to layout Approve
24th September 2020

20/0406/RES Reserved Matters application for the erection of 1no additional dwelling and substation Approve with Conditions
24th September 2020

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan 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

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).
- Stainton and Thornton Neighbourhood Plan (2022)

National Planning Policy Framework

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.

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.

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

DC1 - General Development, CS5 - Design, CS4 - Sustainable Development, UDSPD - Urban Design SPD, H7 - Hemlington Grange, H23 - Hemlington Grange

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

CONSULTATION AND PUBLICITY RESPONSES

Neighbour Consultation Responses

Following a consultation exercise, including letters to local residents, a press notice and site notices, a petition was received in objection to the development. The petition was signed by 28 residents from 16 properties all located on Wolesley Way. Further objections were received from residents from 9 properties, including an objection from the lead petitioner. The objections are summarised below:

Resident objections:

- a) Impact on character of estate
- b) Highway safety impact due to junction on bend in road
- c) There have been a number of accidents on Hemlington Grange Way
- d) Traffic calming is needed
- e) Lack of infrastructure
- f) Increased congestion
- g) Do not want Wolesley Way to be a through road, it is a dangerous road and houses are not set back enough for it to be a main road.
- h) Safety of pedestrians (children playing)
- i) Increase in noise
- j) Access issues due to narrow roads and junctions
- k) Parking issues/Inadequate parking provision

- l) Lack of provision for sustainable transport
- m) Lack of bus routes
- n) No community facilities (village hall, shops, park, doctors, schools)
- o) No bins
- p) Loss of open space
- q) Loss of woodlands
- r) Impact on wildlife (deer, pheasants, bats, buzzards, hedgehogs, foxes, ducks, barn owl, migratory toads, frogs and great crested newts etc.)
- s) Woodlands are used by dog walkers
- t) Increase in flood risk
- u) Increase in pollution
- v) Existing roads on wider site not tarmacked
- w) Existing issues with crime and anti-social behaviour on site
- x) Impact on residents health and wellbeing, loss of recreational spaces
- y) Impact during construction
- z) Existing covenants restricting parking of some vehicles on the estate is not enforced

Received From:

- 1. 2 Elvey Lane
- 2. 4 Elvey Lane
- 3. 11 Elvey Lane
- 4. 14 Elvey Lane
- 5. 52 Hemlington Grange Way
- 6. 19 Hume Drive
- 7. 26 Hume Drive
- 8. 18 Wolesley Way – also lead petitioner
- 9. 7 Wright Grove

Consultee Comments

Planning Policy - MBC

No objection

The site is allocated for housing with some employment land in the Local Development Plan, the principle of residential development has been established through the approved outline consent.

Highways - MBC

No objections

The proposals are in broad accordance with the design principles and masterplan as secured through the granting of outline consent. The internal layout is designed and constructed to adoptable standards with parking provided in accordance with the authorities' maximum standards. There are no technical objections to the development.

Local Flood Authority - MBC

No objection

The Flood Risk Assessment is acceptable, subject to approval details of a drainage strategy required by condition on the previous application.

Waste Policy - MBC

Properties that are serviced by a shared drive will be responsible for making their waste and recycling receptacles available for collection at the nearest public highway. Any bin collection points should be directly adjacent to the public highway. The collection services are not permitted to travel on shared drives.

Environmental Health - MBC

Comments were received stating that an air quality assessment is required. However, this application is a reserved matters application. Air quality was considered as part of the outline application and is therefore not required at this stage.

Natural England

Details of the Nutrient Neutrality mitigation have been received and are acceptable in principle. However, further detail has been requested to provide evidence of the use of the mitigation land over a 10 year period.

The evidence of the use of the mitigation land over a 10 year period has been sent to Natural England.

Northern Powergrid

No response

Northern Gas Network

Northern Gas Networks has 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

At this time, the planning application does not provide sufficient detail with regards to the management of foul water from the development for Northumbrian Water to be able to assess our capacity to transfer and treat the flows from this additional development. We therefore request a condition which requires a detailed scheme to be submitted.

NOTE: the conditions requested by Northumbrian Water have been placed on the outline consent, as a result it is not necessary to include it on this reserved matters application.

Environment Agency

No response

Secured by Design – Cleveland Police

I would like to make you aware that Cleveland Police operate the “Secured By Design” initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments.

I recommend applicant actively seek Secured By Design accreditation, full information is available within the SBD Homes 2024 Guide at www.securedbydesign.com

I encourage contact from applicant/agent at earliest opportunity, if SBD Certification is not achievable you may incorporate some of the measures to reduce the opportunities for crime and anti-social behaviour. This is expected as reference to Secured By Design is highlighted within the Design & Access Statement.

Once a development has been completed the main opportunity to design out crime has gone. The local Designing Out Crime Officer should be contacted at the earliest opportunity, prior to submission and preferably at the design stage.

- The National Planning Policy Framework 2023 paragraph 92(b), which states that Planning policies and decisions should aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...
- The National Planning Policy Framework 2023, paragraph 130(f) which states that “Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.
- Policy CS5 (Design) of the Local Development Framework, section e states, creation of a safe and attractive environment, at all times of the day and night, where crime and disorder, or fear of crime, does not undermine quality of life or community cohesion by incorporating the aims and objectives of both Secured By Design and Designing Out Crime concepts into development layouts and is therefore a material consideration.
- Another material consideration is Section 17 of The Crime and Disorder Act 1998.

Further information on the Secured By design initiative can be found on www.securedbydesign.com

Although not an SBD requirement, Middlesbrough along with many other areas nationwide suffers from offences of metal theft. These include copper piping, boilers, cables and lead flashing. Buildings under construction are particularly vulnerable. I recommend that alternative products be utilized where possible. Many new builds are now using plastic piping where building regulations allow and alternative lead products.

Strong consideration should also be given in relation to the provision of On- Site Security throughout the lifespan of the development. There is information contained within the Construction Site Security Guide 2021 also on the SBD website that may assist.

In addition to the above, and having viewed the proposal I would also add the following comments and recommendations.

- All doors and windows are recommended to be to tested and certified PAS24:2020/2016 standards (or equivalent)
 - This includes garage doors.
 - All are to be dual certified for both fire and security.
- Dusk til dawn lights are recommended to each elevation with an external door-set. This also includes garage doors.
 - Any in curtilage side parking which extends beyond half way of depth of property is also recommended to have one.
- ALL roadways and pathways, adopted or otherwise, are recommended to be to BS5489:2020 standards with a uniformity preferably to Secured By Design recommended one of 40%, as a minimum 25%.
- Neighbourhood permeability... is one of the community level design features most reliably linked to crime rates. Excessive permeability should be eliminated, I would recommend that in this instance permeability be reduced.
 - One area being the parking provision to rear of Plots 385-406.
- I recommend that this parking area, although slightly surveyed from two dwellings, be reconfigured or secured as a rear parking court due to lack of surveillance and being overly permeable.
 - Likewise, the parking to rear of Plots 491-494 are recommended to be reconsidered.

- Proposed boundary treatments as outlined are recommended to be slightly altered. All proposed 1.8m high treatments onto public realm are recommended to be raised to 2.0m in height.
 - Those to rear/rear side of Plots backing onto open space recommended to be increased to minimum of 2.2m, preferably 2.4m.
 - Locate all side boundary treatments as for forward to the front elevations of the properties as possible to eliminate recesses.
- Ginnel access serving several rear gardens should be avoided where possible, If absolutely necessary a lockable gate is required at initial access point as well as each individual garden.
- There is a garage/parking area tucked away behind gardens of Plots 524 & 527 that are afforded very little informal surveillance. Consideration to repositioning these is recommended.
- Any plots similar to 113 that has proposed 450mm estate railings between the detached garages and the dwellings should be replaced with a suitable height treatment as above to prevent easy access between.
- Any proposed play area should be located to maximise surveillance opportunities and play area should have low level boundary treatment with automatic return entrance gates. It should also be appropriately lit, as per lighting recommendations, to minimise anti-social behaviour issues from arising.
 - It should not be sited in close proximity to wooded/secluded areas.
- The proposed fronting of some properties onto the green open space is totally supported and recommended, consideration should be given to likewise re orientate Plots 350 -356 and those along the eastern/south eastern boundary, Plots 375 – 432 to incorporate the open space into active street scenes.
- The apparent green alleyway between wooded area and rear of those Plots, 375 – 432 could well become a crime generator and is of concern also.

I do note however, that the revised proposals have included the redesign of areas of rear parking I initially highlighted which is supported and recommended.
The dual aspect of dwellings on corner plots is also supported.

Hemlington Community Council

No Response

Coulby Newham Community Council

No response

Ward Councillors

No response

PLANNING CONSIDERATION AND ASSESSMENT

1. This application is a reserved matters application. Outline consent has been given for residential development and associated works on the wider Hemlington Grange site, thereby establishing the principle of development.
2. The principle issues to be considered in respect of this reserved matters application centre upon the design of the dwellings, the scale and layout of the dwellings, the parking provision and internal road layout, landscaping and drainage. Consideration

can only be given to matters that are material to this application dealing with the reserved matters.

3. In response to consultation comments and the assessment of the submitted details, the developer has worked closely with the Planning and Highways Officers to improve the quality of the scheme proposed in terms of the layout, house types, landscaping and highway hierarchy. This report considers the revised details.

Policy

4. The application site is allocated on the Housing Local Plan Proposals Map for Mixed Use development, where Policies H7 and H23 apply. Policy H7 identifies that this location will be developed to create a sustainable community of 1,230 dwellings and 8 ha of employment land. Policy H7 and outline permission M/FP/0082/16/P established the principle of residential development.
5. Policy H23 sets out a range of criteria that development proposals should satisfy in order for planning permission to be granted, this includes: a mixture of house types and density; high quality design, layout and materials; two access points; creation of green corridors and a community park; incorporation of water bodies into the development; and pedestrian links. The Compliance Statement submitted with the application sets out how the developer has sought to address the criteria relevant to this site.
6. The application proposes a range of dwelling types and sizes and the layout is broadly in line with the masterplan for the wider site. It is considered that the general principles of these policies have been met, other relevant policies are discussed throughout this report.

Design, Layout and Streetscene

7. The proposed dwelling types include a mix of detached, semi-detached and terrace properties the majority of which are two-storey and 32% are three-storey. The proposed dwellings are of a good quality design with a modern, contemporary finish incorporating anthracite windows, projecting gable features, brick detailing, dormer windows, fascia, soffits and barge boards, canopies and projecting bay windows. The dwellings are designed so that they reflect characteristics from the wider site but they will present as a separate character area.
8. The National Planning Policy Framework (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 2, 3 and 4 bed properties with varying garden sizes. The dwellings are considered to be in accordance with the requirements of the NPPF in this regard.
9. The proposed house types are in keeping with the design principles approved as part of the previous applications. Corner turner housetypes are located at key prominent locations enhancing the character and appearance of the area visual amenity of the streetscene.
10. The proposed dwellings have, where possible, been orientated to benefit from views over open spaces and landscaped areas with new rights of way and cycleways providing sustainable travel through the site connecting the properties to the

landscaped areas. The orientation of dwellings provides natural surveillance over the footpath network and open spaces including the play/leisure area in accordance with secured by design principles.

11. There are very few areas where rear and side boundary treatments are adjacent to footpaths and open spaces. In the areas where this does occur the boundary fences are softened by planting of hedgerow and in key prominent locations a boundary wall with timber infills is used to achieve a higher quality boundary treatment. This provides a more pleasant view breaking up any large expanses of high boundaries and provides additional security to the rear of dwellings. At the front of properties boundaries are in the form of railings and hedges giving a softer visual appearance whilst achieving a degree of demarcation.
12. In locations where roads abut areas of open space low level knee rail timber fences will be used to prevent vehicle access to the landscaped areas. This style of fence is simple and unobtrusive on the street scene allowing unrestricted views of the open areas whilst achieving a degree of protection recognising that areas of open space and footpaths can be used for antisocial reasons including use by off road bikes. In this regard it is also recognised that it is not always desirable to use gates to restrict access to these areas as this also restricts access for other users including those with prams, wheelchairs and mobility scooters. Restriction to these users could be considered to be in conflict with the Equality Act 2010. The layout has therefore been designed to ensure these areas benefit from good natural surveillance with properties overlooking them to discourage antisocial behaviour by the minority.
13. The dwellings will be built to meet the requirements of Part L of the Building Regulations ensuring that energy efficiency is achieved through the fabric first approach i.e. preventing the loss of energy through building methods and standards rather than the creation of energy through methods such as solar panels. However, if solar panels or heat pumps are required this can be controlled by condition.
14. Change in levels in phase 3 will require some retaining walls. These are generally located along the boundaries of rear gardens with a change of less than 1m being retained. One plot has a retaining wall which is higher than 1m. The wall is located along a private drive and an existing landscaped area in the southwest corner of the site. The lower side of the wall is located within the rear garden of the dwelling. As a result, there will not be any overly visible high retaining walls in the streetscene.
15. It is considered that the development is of a high quality design and layout and will result in an attractive green streetscene to the benefit of existing and future residents. It is considered to be in accordance with the requirements of Policies CS4, CS5 and the Urban Design SPD.

Amenity

16. The layout ensures that separation distances between dwellings are to an acceptable standard, albeit some fall slightly below the council's guideline standards. In these instances, shortfalls are minor and arguably assist in achieving design details such as where properties bookend a road. The separation distances do not unduly impinge on the privacy of any dwellings.
17. Landscaped areas to the east of each phase in this application site provide buffers between the proposed dwellings and existing dwellings. The separation distances to

the existing dwellings meet or exceed the council's privacy guidelines and ensure adequate privacy for residents.

18. The positioning of the dwellings and separation distances to existing tree belts ensures that any overshadowing of proposed dwellings is minimal. It is considered that the development will not have any undue detrimental impact on the amenity of any existing residents and the layout will ensure that the new residents have adequate levels of amenities. The development is considered to be in accordance with the requirements of Policy DC1.

Highways and Sustainability

19. The proposals are in accordance with the design principles and masterplan as secured through the granting of outline consent. The layout provides a hierarchy of roads and a good pedestrian and cycle links to the completed phases and the wider rights of way network.
20. The internal layout is designed and will be constructed to adoptable standards and parking provided in accordance with the authorities' maximum standards, including visitor parking bays throughout the site which should reduce likelihood of on street parking problems whilst assist in providing for delivery vehicles and ad hoc parking.
21. The scheme has been considered by the Local Highway Authority in relation to the internal road network within the site and the parking provision who have confirmed they have no objections. The layout of the proposed scheme is considered to be acceptable in highway terms.
22. Issues have been raised in relation to highway safety due to the proposed access point and the existing bend in Hemlington Grange Way. The geometry and visibility along this section of road meets all necessary design standards and incidents which have occurred have been the result of inappropriate driving behaviour. Whilst the development has not yet been adopted and is still the responsibility of the developer the Highway Authority are working with the developer to introduce some remedial measures such as signing and lining.
23. Objections have been received from residents on Wolesley Way who state that the road and layout of the dwellings are not suitable for a 'main road'. Wolesley Way is an internal estate road which is part of an earlier phase of the wider site.
24. The road and housing layout was designed as a secondary road with a connecting point to the next phase of the development which forms part of this application, which is consistent with the approved masterplan for the site. The connecting road has already been constructed up to the boundary with the width and geometry of the road being suitable to serve additional development and meeting the necessary guidance from the Tees Valley Highway Design Guide.
25. The approach is consistent as can be seen elsewhere on the development with loop roads providing two means of access from Hemlington Grange Way to the pockets of housing. Along these routes measures such as ramped blocked paved plateaux junctions are used to create traffic calming features.

26. The development is considered to be in accordance with the requirements of policies CS4, CS5 and DC1.

Flood Risk and Drainage

27. The proposal includes details of a sustainable drainage scheme which is incorporated into the landscaping of the site and includes the creation of detention basins which will provide storage for surface water should a flood event occur. The drainage scheme is part of the wider SUDs scheme which serves the wider site as a whole.
28. The Lead Local Flood Authority and Northumbrian Water have been consulted and raised no objections subject to the conditions imposed on the outline consent.
29. The development is considered to meet the requirements of Policy CS4.

Noise, Pollution and Land Contamination

30. Issues relating to noise from the roads, air quality and site contamination were considered as part of the previous outline consent and relevant condition were placed on the application, they are not material to this application. Environmental Health have confirmed that they have no objection to this application.

Ecology and Landscaping

31. The impact of the development on ecology was considered during the previous application which included the submission of documents examining the site in relation to ecology and protected species.
32. It was considered that the impact of the development on ecology was mitigated by the introduction of new landscape features such as the SUDs ponds, replacement planting and the implementation of the recommendations within the approved ecology documents.
33. The proposed layout includes a landscaped corridor running from north to south and the retention of a large wooded area (including an area covered by a TPO) in the south east of the site. The drainage strategy is incorporated into the landscape system with two SUDs basins located between the two phases. Existing hedgerows and trees are retained along the southern and western boundaries of the development site and the retention of groups of trees along the eastern boundary. The proposed landscape schemes includes tree lined streets and additional hedgerow planting throughout the internal layout.
34. A play area is included in phase 3b in an area close to the connecting point with the earlier phases of the development. The play area sits alongside the landscaping and is overlooked by a number of residential properties providing natural surveillance.
35. The landscaped corridors within the development connect to the areas of open space in the wider site and provide attractive routes for pedestrians and cyclists.
36. The site to the north of Hemlington Grange Way (phase 4b) comprises trees/scrub land that has self-seeded and grown since the approval of the outline application.

The foliage is primarily low quality overgrown hawthorn and blackthorn with some occasional low quality ash. While it is noted that some comments state that the area is used by dog walkers, during the officer site visit it was apparent that the area is not a managed woodland which provides a nice leisure route for walkers. Contrary to that it is generally inaccessible, unkept and unmanaged and full of litter. The proposed development will provide links to the green areas within the final phases and the wider site providing attractive leisure walking routes for residents in high quality landscaped areas.

37. It is considered that the landscape and drainage schemes will be beneficial to the site and will result in an attractive green environment for residents to live. The proposed development will not result in an unacceptable effect on the ecology of the site.
38. Specific landscape conditions were imposed on the outline permission to ensure that that trees and hedgerows which are to remain on the site are protected during development and details relating to the management and maintenance of the landscaped areas is submitted.
39. It is considered that the development meets the requirements of Policies CS4 and CS5.

Biodiversity Net Gain

40. Since April 2024, BNG has become a mandatory requirement under Schedule 7A of the Town and Country Planning Act 1990. All relevant applications must deliver a BNG of 10%, which means that development will result in a more or better quality natural habitat than there was before development. There are a number of exemptions to this requirement including reserved matters applications. This application is for reserved matters and therefore the 10% BNG requirement does not apply.

Nutrient Neutrality

41. Nutrient neutrality relates to the impact of new development on the Teesmouth and Cleveland Coast Special Protection Area (and Ramsar Site) (SPA) which Natural England now consider to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the SPA. It is understood that this has arisen from developments and operations which discharge or result in nitrogen into the catchment of the River Tees. Whilst it is understood that this will include farming activities and discharge from sewage treatment works, it also relates to waste water from development. New development therefore has the ability to exacerbate / add to this impact. Natural England has advised that only development featuring overnight stays (houses, student accommodation, hotels etc) should be deemed to be in scope for considering this impact although this is generic advice and Natural England have since advised that other development where there is notable new daytime use such as a new motorway service area or similar could also be deemed to have an impact which may require mitigating. As with all planning applications, each has to be considered on its own merits. Furthermore, it is recognised as being particularly difficult if not impossible to accurately define a precise impact from development in relation to nutrient neutrality given the scale of other influences. Notwithstanding this, the LPA need to determine applications whilst taking into account all relevant material planning considerations.

42. The Local Planning Authority must consider the nutrient impacts of any development within the SPA catchment area which is considered to be 'in-scope development' and whether any impacts may have an adverse effect on its integrity that requires mitigation. If mitigation is required it will be necessary to secure it as part of the application decision unless there is a clear justification on material planning grounds to do otherwise.
43. In-scope development includes new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). This is not an exhaustive list. It also includes agriculture and industrial development that has the potential to release additional nitrogen and / or phosphorous into the system. Other types of business or commercial development, not involving overnight accommodation, will generally not be in-scope unless they have other (non-sewerage) water quality implications.
44. Following the completion of a Habitat Regulation Assessment this development is considered to be in scope and has been put through the Teesmouth Nutrient Budget Calculator to establish the total annual nitrogen load the development must mitigate against.
45. The applicant has provided details of off-site mitigation in this regard. An area of land which is currently used for pig rearing within the catchment area will be taken out of use its current use thereby reducing the levels of nitrate produced. This will provide the necessary levels of mitigation required by the development. This will be controlled through a legal agreement.

Other Matters

46. Some matters raised by residents are not material planning considerations and cannot be considered during the analysis of the application. This includes matters such as ongoing works on the wider site, impact during construction and existing covenants.

Conclusion

47. For the reasons set out in this report it is considered that the proposed development will not result in a significant detrimental impact on the character of the area or the amenity of residents. The proposed scheme represents good design in terms of the layout and appearance and provides sustainable transport connections.
48. The development meets the requirements of the relevant national planning policies detailed within the NPPF and Local Plan policies, H7, H23, CS4, CS5 and DC1. The recommendation is for approval of the application subject to conditions and a legal agreement to secure the required nutrient neutrality mitigation.

RECOMMENDATIONS AND CONDITIONS

Approve with conditions subject to S106

1. Time Limit

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

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

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:

Location Plan, drawing no. MID-HEM-PH3-000.1

- a) Site Layout, drawing no. MID-HEM-PH3-001 rev. H
- b) Boundary Treatment Layout, drawing no. MID-HEM-PH3-005 rev. E
- c) Materials Layout, drawing no. MID-HEM-PH3-004 rev. F
- d) Landscape Master Plan, drawing no. 6025-99-01 rev. A
- e) Tree Mitigation Plan, drawing no. MID-HEM-PH3-006 rev. E
- f) The Addlebrough – End – Proposed Contemporary – Hemlington, drawing no. Ar_End_R25-C001
- g) The Addlebrough – End – Proposed Plans, drawing no. Ar_End_R25-901
- h) The Barndale – Detached – Elevations – Contemp – Hemlington, drawing no. Ba_MA_Ctp_Det_R21G – 401 rev. A
- i) The Barndale – Detached – Ground Floor GA Plan – AD: M4.1, drawing no. Ba_MA_Ctp_Det_R21G – 291 rev. B
- j) The Barndale – Detached – First Floor GA Plan, drawing no. Ba_MA_Ctp_Det_R21G – 210 rev. B
- k) The Barndale – Detached – Proposed Contemporary – Hemlington, drawing no. Be_Det_R25-C001
- l) The Barndale – Detached – Proposed Plans, drawing no. Be_Det_R25-901
- m) The Burnham – Detached – Elevations – Contemp – Hemlington, drawing no. Bu_MA_Ctp_Det_R21G – 420 rev. G
- n) The Burnham – Detached – Ground Floor GA Plan – AD: M4.1, drawing no. Bu_MA_Ctp_Det_R21G – 291 rev. B
- o) The Burnham – Detached – First Floor GA Plan, drawing no. Bu_MA_Ctp_Det_R21G – 210 rev. D
- p) The Burnham – Detached – Proposed Contemporary – Hemlington, drawing no. Bu_Det_R25-C001
- q) The Burnham – Detached – Proposed Plans, drawing no. Bu_Det_R25-901
- r) The Darwin – Detached – Proposed Contemporary – Hemlington, drawing no. Dw_Det_R25-C001
- s) The Darwin – Semi – Proposed Contemporary – Hemlington, drawing no. Dw_Det_R25-C001
- t) The Darwin – Semi Detached – Proposed Plans, drawing no. Dw_End_R25-901
- u) The Galloway – End – Elevation – Contemp – Hemlington, drawing no. Ga_MA_Ctp_End_R21G – 420 rev. E
- v) The Galloway – End – Ground Floor GA Plan – AD: M4.1, drawing no. Ga_MA_Ctp_End_R21G – 291 rev. A
- w) The Galloway – End – First Floor GA Plan, drawing no. Ga_MA_Ctp_End_R21G – 210 rev. B
- x) The Galloway – End – Proposed Contemporary – Hemlington, drawing no. Ga_End_R25-C001
- y) The Galloway – End- Proposed Plans, drawing no. Ga_End_R25-901

- z) The Greenwood – Detached – Ground Floor GA Plan – AD: M41, drawing no. Gw_MA_Ctp_Det_R21G – 291 rev. B
- aa) The Greenwood – Detached – First Floor GA Plan, drawing no. Gw_MA_Ctp_Det_R21G – 210 rev. H
- bb) The Greenwood – Detached – Second Floor GA Plan, drawing no. Gw_MA_Ctp_Det_R21G – 220 rev. F
- cc) The Greenwood – Detached – Elevations – Contemp – Hemlington, drawing no. Gw_MA_Ctp_Det_R21G – 420 rev. F
- dd) The Greenwood – Detached – Proposed Contemporary – Hemlington, drawing no. Gw_Det_R25-C001
- ee) The Greenwood – Detached – Proposed Plans, drawing no. Gw_Det_R25-901
- ff) The Kennet Elevations – Contemp – Hemlington, drawing no. Ke_MA_CtP_End_R21G – 420 rev. D
- gg) The Kennet – Semi Detached – Ground Floor GA Plan, drawing no. Ke_MA_CtP_End_R21G – 201 rev. E
- hh) The Kennet – Semi Detached – First Floor GA Plan, drawing no. Ke_MA_CtP_End_R21G – 210 rev. C
- ii) The Kennet – Semi Detached – Second Floor GA Plan, drawing no. Ke_MA_CtP_End_R21G – 220 rev. D
- jj) The Kennet – End – Proposed Contemporary – Hemlington, drawing no. Ke_End_R25-C001
- kk) The Kennet – Semi Detached – Proposed Plans, drawing no. Ke_End_R25-901
- ll) The Kielder – Detached – Proposed Contemporary – Hemlington, drawing no. Ki_Det_R25-C001
- mm) The Kielder – Detached – Proposed Plans, drawing no. Ki_Det_R25-901
- nn) The Kingley – Det – Elevations – Contemp – Hemlington, drawing no. Kg_MA_Ctp_Det_R21G – 420 rev. F
- oo) The Kingley – Det – Ground Floor GA Plan – AD: M4.1, drawing no. Kg_MA_Ctp_Det_R21G – 291 rev. C
- pp) The Kingley – Det – First Floor GA Plan, drawing no. Kg_MA_Ctp_Det_R21G – 210 rev. C
- qq) The Knebworth – End – Proposed Contemporary – Hemlington, drawing no. Kn_Det_R25-C001
- rr) The Knebworth – Proposed Plans, drawing no. Kn_End_R25-901
- ss) The Lambridge – Detached – Elevations – Contemp – Hemlington, drawing no. LB_MA_Ctp_R21G – 420 rev. D
- tt) The Lambridge – Detached – Ground Floor GA Plan – AD: M4.1, drawing no. LB_MA_Ctp_R21G – 291
- uu) The Lambridge – Detached – First Floor GA Plan, drawing no. LB_MA_Ctp_R21G – 210 rev. C
- vv) The Lambridge – Detached – Proposed Contemporary – Hemlington, drawing no. Lb-_Det_R25-C001
- ww) The Lambridge – Detached – Proposed Plans, drawing no. LB_Det_R25-901
- xx) The Marston – Detached – Elevation – Contemp – Hemlington, drawing no. Ma_Ma-CtP_Det_R21G – 420 rev. E
- yy) The Marston – Detached – Ground Floor GA Plan – AD: M4.1, drawing no. Ma_Ma-CtP_Det_R21G – 291
- zz) The Marston – Detached – First Floor GA Plan, drawing no. Ma_Ma-CtP_Det_R21G – 210 rev. F
- aaa) The Marston – Detached – Proposed Contemporary – Hemlington, drawing no. Ma_Det_R25-C001

- bbb) The Marston – Detached – Proposed Plans, drawing no. Ma_Det_R25-901
- ccc) The Saunton – Semi Detached – Elevations – Contemp – Hemlington, drawing no. Sa_MA_CtP_End_R25G-401 rev. F
- ddd) The Saunton – Semi Detached – Ground Floor GA Plan – AD:M4.1, drawing no. Sa_MA_CtP_End_R21G-291 rev. A
- eee) The Saunton – Semi Detached – First Floor GA Plan, drawing no. Sa_MA_CtP_End_R21G-210 rev. C
- fff) The Saunton – End – Proposed Contemporary – Hemlington, drawing no. Sa_End_R25-C001
- ggg) The Saunton – Semi Detached – Proposed Plans, drawing no. Sa_End_R25-901
- hhh) The Silverdale – Semi Detached – Proposed Contemporary – Hemlington, drawing no. Dp_End_R25-C001
- iii) The Silverdale – Semi Detached – Proposed Plans, drawing no. DP_End_R25-901
- jjj) Single Garage – Proposed Plans & Eles – Side Gable, drawing no. Ga1.1_MA_R21 901
- kkk) Double Garage – Proposed Plans & Elevations, drawing no. Ga2.1_MA_R21 901
- lll) Twin Garage – Proposed Plans & Elevations, drawing no. Ga2.2_MA_R21 901
- mmm) Pre-development Tree Survey – Tree Constraints plans, reference no. ARB/AE/3361 dated April 2024
- nnn) Arboricultural Impact Assessment – Arboricultural Method Statement – Tree Protection Plan, reference no. ARB/AE/3361ph3 dated April 2024
- ooo) Arboricultural Impact Assessment – Arboricultural Method Statement – Tree Protection Plan, reference no. ARB/AE/3361ph4 dated April 2024
- ppp) Topographical Survey, drawing no. T24015-T-DR-001 rev. A
- qqq) Topographical Survey, drawing no. T24015-T-DR-002 rev. A
- rrr) Topographical Survey, drawing no. T24015-T-DR-003 rev. A
- sss) Topographical Survey, drawing no. T24015-T-DR-004 rev. A
- ttt) Nutrient Neutrality – report to Inform a Habitat Regulations Assessment, Hemlington Grange, Dated February 2025, reference no. 24359 version V2

Reason: For the avoidance of doubt and to ensure that the development is carried out as approved.

3. Play Area

Notwithstanding the details contained in the approved documents, full details and specifications of the play equipment to be constructed in the play area within Phase 3, 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 the provision of sufficient play provision for residents having regard for Policies CS4, CS5 and DC1 of the Local Plan and sections 8 and 12 of the NPPF.

4. Public Rights of Way and Bridleways

Within 6 months of the 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 for each phase shall be

submitted to and approved in writing by the Local Planning Authority.

All Public Rights of Way which connect to land outside the application site, must be constructed to the boundary of the site.

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 having regard for Policy CS4 of the Local Plan and section 9 of the NPPF.

5. PD Rights Removed Side Extensions

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A(j) (or any order revoking or re-enacting that Order), no alterations, enlargement or extension shall be made to the side external elevations of the residential dwellings hereby permitted, 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, to retain adequate in curtilage parking provision in the interests of amenity and highway safety having regard for Policies CS4, CS5, DC1 and sections 9 and 12 of the NPPF.

6. Removal of Temporary Access to Sales Office

Within 4 months of the closure of the sales office or before the first occupation of plot 512, whichever is sooner. The temporary access from Hemlington Grange Way to the sales office, and associated parking and access paths shown on Phase 4 Sales Areana proposal, drawing no. MID-HEM-SALE-002, must be removed and the approved layout shown on Site Layout, drawing no. MID-HEM-PH3-001 rev. H and the hard and soft landscaping scheme must be implemented on site.

Reason: The access is not considered suitable for permanent retention on the site having regard to road hierarchy and to safeguard the character and appearance of the area having regard for Policies DC1, CS4 and CS5 of the Local Plan and section 12 of the NPPF.

7. Renewable Energy

Prior to the occupation of each dwelling within each phase, if solar photovoltaic panels or air/ground source heat pumps are required for the dwelling to meet Building Regulation Part L, full details and specifications of the proposed solar panels and/or heat pumps, including the location on the dwelling, must be submitted to and approved in writing by the Local Planning Authority. Thereafter the solar panels and/or heat pumps will be erected and retained on site in accordance with the approved details.

Reason: In the interests of sustainable development having regard for policy CS4 of the Local Plan and section 14 of the NPPF.

8. Water Consumption

Water usage will be limited to no more than 98.6 litres/person/day as measured in accordance with a methodology approved by the Secretary of State.

Reason: To ensure the appropriate mitigation of nutrients to protect the Teesmouth and Cleveland Coast Special Protection Area in accordance with the requirements of Regulation 63 of the Habitats Regulations.

Reason for Approval

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

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

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

INFORMATIVES

- **Discharge of Condition Fee**
Under the Town & Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2018, the Council must charge a fee for the discharge of conditions. Information relating to current fees is available on the Planning Portal website <https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>. Please be aware that where there is more than one condition multiple fees will be required if you apply to discharge them separately.
- **Civil Ownership Matters**
This permission refers only to that required under the Town and Country Planning Act 1990 (as amended) and does not include any other consent or approval under any enactments, byelaw, order or regulation. The grant of planning permission does not override any third party rights which may exist over the application site.

In addition, you are advised that any works affecting party walls or involving excavations for foundations adjacent to a party wall you will be required to serve notice on all adjoining owners before work commences and adhere to the requirements of the Party Wall Act 1996.

- Rights of Access/Encroachment

This planning approval does not permit any person to access another person's land/property to enable the works to be completed, without their consent. Any encroachment into another person's land/property above or below ground is a civil matter to be resolved between the relevant parties.

- Building Regulations

Compliance with Building Regulations will be required. Before commencing works it is recommended that discussions take place with the Building Control section of this Council. You can contact Building Control on 01642 729375 or by email at buildingcontrol@middlesbrough.gov.uk.

Where a building regulations approval is obtained which differs from your planning permission, you should discuss this matter with the Local Planning Authority to determine if the changes require further consent under planning legislation.

- 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. The applicant is advised to contact all the utilities prior to works commencing.

- 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.

- Environmental Construction Management

This informative is aimed at ensuring there are no breaches of environmental legislation on the site throughout the construction phase of the development and contractors and developers should adhere to the following advice. For any further information and advice relating to environmental construction management please contact the authorities Environmental Protection Service.

- All demolition, construction works and ancillary operations, including deliveries to and dispatch from the site should be restricted to between the hours:

- o 08.00 to 18.00 Monday to Friday
- o 09.00 to 13.00 Saturday
- o Not at all on Sundays and Bank Holidays.

- All work should be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

- Best practicable means should be employed at all times in order to minimise noise, vibration, dust, odour and light emissions. Information on the control of dust from construction sites can be found using the following link. [Construction-Dust-Guidance-Jan-2024.pdf \(iaqm.co.uk\)](#)
- All plant and machinery should be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines should be properly silenced and/or fitted with effective and well maintained mufflers in accordance with manufacturers instructions.
- There should be no bonfires on the site
- Deliveries to Site
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.
- Cleaning of Highway
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.
- Adoption of Highway - 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.
- Conditions on Outline Approval
The applicant's attention is drawn to the need for full compliance of the conditions detailed in this permission and with the conditions imposed on the outline planning permission reference no. M/FP/0082/16/P
- Wildlife and Countryside Act
The applicant is reminded that under the Wildlife and Countryside Act 1981 it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August. Trees and scrub are present on the application site should be assumed to contain nesting birds between the above dates unless a survey has shown conclusively that nesting birds are not present

- **Protected Species**
The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning consent for a development does not provide a defence against prosecution under wildlife protection legislation. You are advised that it may be necessary before development commences, for the applicant to commission an ecological survey from a suitably qualified and experienced professional to determine the presence or otherwise of such protected species. If protected species are found to be present, Natural England should be consulted.
- **Discharge into Watercourse/Culvert**
The applicant is advised that any discharge of surface water into a watercourse or culverted watercourse requires consent from the Local Authority.
- **Culvert or Bridge Existing Watercourse**
Any proposal to culvert or bridge an existing watercourse, or part thereof, requires the express consent of the Local Authority.
- **Sustainable Drainage Systems**
Sustainable Drainage Systems (SuDS) should be considered when designing drainage, driveways and car parking areas.
- **Permeable Surfacing**
Guidance on permeable surfacing of front gardens is available on the Communities and Local Government Website: www.communities.gov.uk

IMPLICATIONS OF THE DECISION

Environmental Implications:

The proposal relates to residential development and its environmental impacts have been considered within the report above. Such considerations have included amongst others, visual implications, privacy and amenity, noise and disturbance and ecological implications. In view of all those considerations, it is on balance judged that in this instance the associated environmental impacts are considered not to be significant.

Biodiversity net gain has been taken into account in relation to this report and is detailed above.

The proposed development is in scope for Nutrient Neutrality, being within the catchment of the River Tees. Nutrient Neutrality is adequately dealt with as reported above.

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report and the recommendation is made having taken regard of the Local Development Plan Policies relevant to the proposals and all material planning considerations as is required by law.

The proposed development raises no implications in relation to people's Human Rights.

Public Sector Equality Duty Implications:

This report has been written having had regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010 and to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

There are no matters relating to this application which relate to harassment, victimisation or similar conduct.

The following matters have been considered as part of the report / decision and are considered to not be adversely affected by the decision in a manner which would require a different decision to be made.

Access to areas of open space relating to equality of opportunity of people with protected characteristics namely persons with mobility issues.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report. Specifically, considerations around designing out opportunity for crime and disorder have been detailed within the report. Whilst actions of individuals are not typically a material planning consideration in reaching a decision in this regard, designing out the opportunity for crime and disorder is aligned to good quality design and is, in that regard a material planning consideration.

A view has been taken regarding antisocial use of open spaces by persons with off road bikes. A balance had to be drawn in relation to preventing access for off road bikes without reducing the quality of the design and without preventing access to other genuine users including persons with prams, wheelchairs and mobility scooters who should be able to use the spaces. It is considered that the proposed scheme is well balanced in this regard as set out in the report.

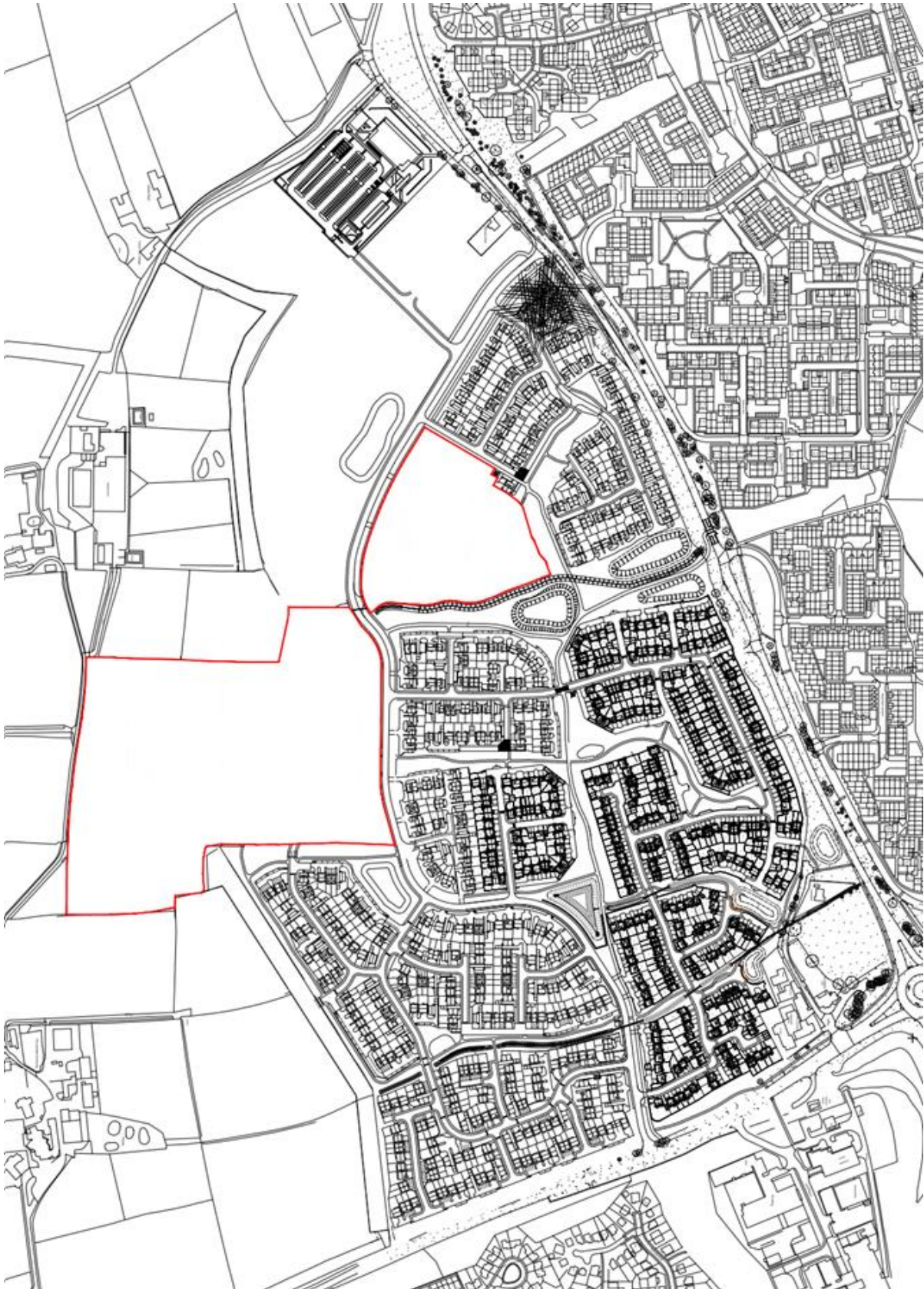
Financial Implications:

The proposed development if approved would result in residential properties being constructed which would in turn lead to council tax revenue for the council. This matter is not a material planning consideration.

Case Officer: Shelly Pearman

Committee Date: 04/09/2025

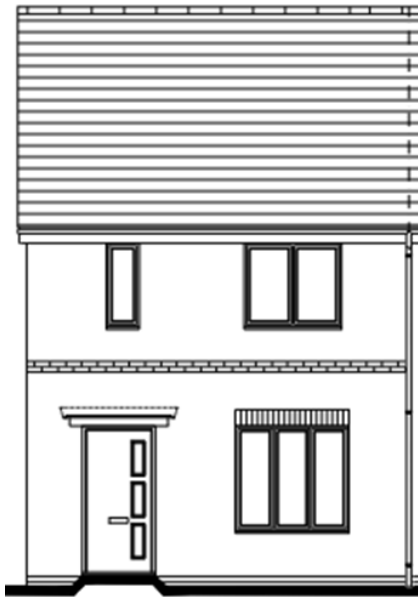
Location Plan

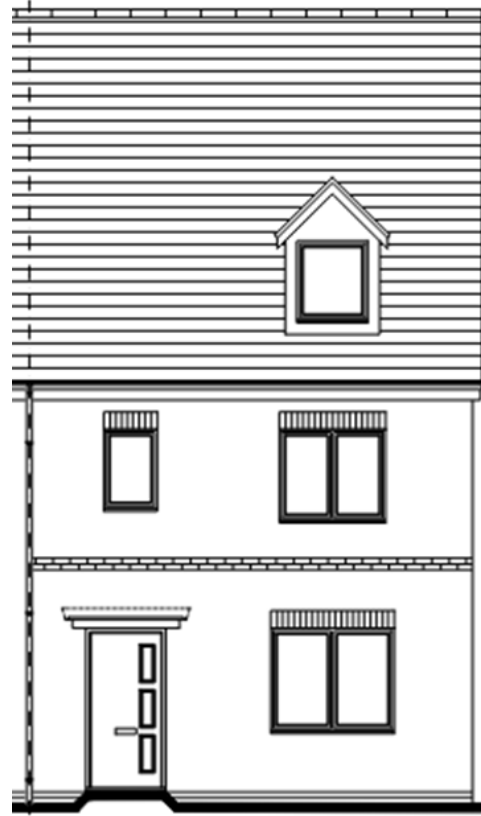


Proposed Site Plan



Example House Types





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APPLICATION DETAILS

Application No:	25/0280/COU
Location:	50, Outram Street, Middlesbrough, TS1 4EG
Proposal:	Change of use from dwelling (C3) to 3 bed HMO (C4)
Applicant:	Mr Stephen Gardiner
Ward:	Newport
Recommendation:	Refuse

SUMMARY

The application site is a two-storey, 2 bedroom, mid terrace property which is located on Outram Street, just off Parliament Road.

The application seeks planning approval to convert the existing dwellinghouse to a 3 bedroom HMO.

PLANNING HISTORY

No relevant planning history.

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan 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

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).
- Stainton and Thornton Neighbourhood Plan (2022)

National Planning Policy Framework

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.

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.

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

Housing Local Plan (2014)

- H1 – Spatial Strategy
- H11 – Housing Strategy

Core Strategy DPD (2008)

- CS17 – Transport Strategy
- CS4 – Sustainable Development
- CS18 – Demand Management
- CS19 – Road Safety
- DC1 – General Development

Other Relevant Policy Documents

- Interim Policy on the Conversions of Residential Properties

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

CONSULTATION AND PUBLICITY RESPONSES

Councillor Jill Ewan

I wish to raise objections to the above planning application, based on the following grounds:

Impacts on area character or overall nature of scheme as a result of layout, density, design, visual appearance

This is a longstanding family area. The house is close to Glebe Recreation Area, a park used by local children. It has two upstairs bedrooms, one single and one double, a downstairs bathroom, and a long reception room, formerly two rooms, with a window looking straight out onto the street with no garden. There is a small kitchen and a downstairs bathroom. It is suitable for occupation by a small household and currently has a licence under the Selective Landlord Licensing scheme.

The proposal is to re-divide the two reception rooms, to make the front one into a downstairs bedroom facing straight onto the street, with no privacy unless the curtains are kept closed.

The small room sizes, small living area, small kitchen, one bathroom between up to six people and lack of a second toilet make this a low grade, undesirable development.

The house has only a very small amount of outdoor space, the length of the kitchen and bathroom, around 1m wide, for what could be up to six adults if the three double beds and six dining chairs in the plans are fully occupied. This would be insufficient for sitting outdoors, keeping bicycles, drying washing or keeping recycling and food waste or anything else prior to collection.

Highway issues: traffic generation, vehicular access, highway safety

Because of the nature of terraced houses opening onto the street, parking on the street is in short supply. In normal family use, households living in such a house might have an average of one car. With up to six adults in this house, there could potentially be up to six parking spaces needed, especially if in use as serviced accommodation such as an AirBnB with contractors as guests.

Overlooking and loss of privacy

The plans envisage a downstairs bedroom with its window directly onto the street, near to the park. This means that there will be no privacy for the occupants of the bedroom unless

they keep curtains or blinds closed all the time they are in their bedroom, which would be unpleasant and, unhealthy when using the rooms in daytime.

Capacity of physical infrastructure (roads/drainage)

Are the drains adequate for this increased occupancy?

Incompatible or unacceptable uses:

The house is in an area near to where prostitutes ply their trade. A downstairs double bedroom at the front might make the house desirable for them to rent.

Public Responses

Number of original neighbour consultations: 5

Total numbers of comments received: 0

Total number of objections: 0

Total number of support: 0

Total number of representations:

PLANNING CONSIDERATION AND ASSESSMENT

Overview

The application site is a two-storey, 2 bedroom, mid terrace property which is located on Outram Street, just off Parliament Road.

The application seeks planning approval to convert the existing dwellinghouse to a 3 bedroom HMO.

Policy

Local Plan Policy H1 supports new housing / provision in general terms but requires windfall development (being development change of an unallocated site) to be sited in the urban area and satisfy the sustainable development requirements set out in Policy CS4.

Policy H11 seeks to ensure that housing development contributes towards the delivery of a balanced and sustainable housing stock that meets the needs of Middlesbrough's current and future population.

Policy CS4 requires all development to contribute towards the achievement of sustainable development principles which includes making the most efficient use of land, with priority given to previously developed land.

Policy DC1 identifies that development proposals must have a minimal effect on the surrounding environment and the amenity of nearby properties.

Policies CS17, CS19, and DC1 require that development proposals do not have a detrimental impact upon the operation of the strategic transport network, road safety, and the capacity of the road network.

Collectively, Policies CS4, CS18, and CS19 encourage developments to incorporate measures that will improve the choice of sustainable transport options available to people and promote their use.

The Council's Interim Policy on the Conversion and Sub-Division of Buildings for Residential Uses sets out a number of criteria that would be of relevance to the proposed development. For instance, the building should be capable of providing the number of units proposed to an acceptable standard of accommodation, with adequate levels of privacy and amenity, meeting the Government's Technical Housing Standards. In addition, there should be adequate provision and access to parking (cycle and/or vehicle), refuse storage and collection, and amenity space were deemed necessary.

Considerations

The existing floor plans do not label the rooms although based on the plans, it appears that the existing property comprises on the ground floor of a living room, dining room, kitchen and bathroom along with two bedrooms situated on the first floor. The property has limited outdoor private amenity space to the rear, being a very slender rear yard area and being a street terrace, has no front garden / parking associated with it.

The proposals show the ground floor will be partitioned to create a bedroom to the front (window directly onto the pavement), with the dining room, kitchen and bathroom to remain as communal space. A further two bedrooms will be located at first floor. None of these bedrooms will have en-suites, and the only bathroom will be the existing relatively small bathroom on the ground floor which is served directly off the existing kitchen. The Council's interim policy states that two and three storey dwellings must include enough space for one bathroom and one additional WC (or shower room), and as a result this is contrary to policy. The property also has a particularly small rear yard with an alleyway behind which allows rear access.

All bedrooms have windows and thereby served by natural light and rooms are presented and laid out well, with bedrooms large enough for basic furniture. However, it is noted that the kitchen is too small to act as a dining kitchen and the dining room is too small to also act as a communal living room, when taking into account movement space between doors. The lack of larger communal space or a separate communal living room places likely demands on the bedrooms also doubling as a living room / living space for each of the future occupiers and although they are of a suitable size for a single person's bedroom, they are considered to be too limited to also reasonably provide the function of a living room given the need for movement space within. In addition, the lack of a separate W.C and the bathroom being served off the kitchen is considered to be a relatively poor provision.

The proposed conversion is therefore considered to be lacking somewhat in these regards, being contrary to Local Plan Policy and contrary to paragraph 135a of the NPPF, which states that it should be ensured that developments ***"will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;"***

The ground floor bedroom is served by large bay window on the principal elevation. This bedroom is located at the front of the property, overlooking the footpath with no defensible space. Bedrooms at the ground floor and to the front of properties are likely to have curtains shut for long periods of time also whereas a living/communal room would create more of an active frontage, which is encouraged by the Middlesbrough Urban Design Guide. In this aspect, the proposal is contrary to the aspirational standards of the interim conversion policy.

The submitted plans do not depict the amount of communal yard space available, there is also no indication of refuse/recycling provisions, or cycle storage. It is noted that the alleyway located at the rear of the property gives access to communal bin storage and it is therefore assumed that there is no demand within the rear yard for bin store provisions. However, no cycle store provision is provided, which is contrary to Policies CS4, CS18, and CS19 which encourage developments to incorporate measures that will improve the choice of sustainable transport options available to people and promote their use. The Council's Interim Policy on the conversion and sub division of dwellings requires that ***"the proposed development will provide adequate provisions of, and access to, parking (cycle and/or vehicle, as appropriate), refuse storage and collection, and amenity space where deemed necessary"***. The property has no vehicle parking and it is accepted that vehicle parking requirements may be limited for a proposal of this nature in a relatively sustainable location. However, opportunity to use cycle's as a mode of transport is considered to be necessary, otherwise it would be contrary to this policy requirement. There is no ability within the limited yard space for such provision without unduly hampering use of the yard to give access to the back alley / refuse receptacles. Furthermore, any use of the rear yard for cycles would compromise the already minimal private amenity space that the property has and would render it largely unusable. Whilst it is noted that the proposed use is not necessarily increasing the number of people that might ordinarily be found within a 2 bed property, it is expected that, as a 3 bed HMO, there would be 3 unrelated adults living at the premises and use of communal space is therefore valued / used slightly differently to the family environment. Bringing cycles inside a family home may occur but this would be wholly unsuitable for a HMO property. Likewise, the proposal results in an increased burden on cycle store provision given the presence of 3 adults.

The lack of cycle storage and limited private amenity space are considered to be contrary to policy and although the use of the existing property as a dwelling will already have some unmet requirements in this regard, it is considered that the proposed use will intensify the use of this small property with limited amenity and to intensify it in this manner without adequate provisions is making a small property with limited provisions even more unable to provide for the future occupiers, the concept of which is generally contrary to the general thrust of both local and national planning policy / guidance. There are no material planning considerations which would suggest these policies / guidance should be set aside for this proposal.

No external changes are proposed to the property, as such the property will appear unchanged within the streetscene.

Privacy and Amenity

When properties are sub-divided, and the use intensified there is potential for noise transference between adjoining properties. It is a requirement of Building Regulations that adequate noise insulation measures are provided to attenuate noise transference. However, it is not anticipated that noise levels will significantly rise given that the occupant levels will only see a limited uplift. The proposal involves no external alterations to the building and as such will not alter the existing separation distances between the application site and the neighbouring properties.

With regards to HMO accommodation, the LPA are of the view that unless the bed space is big enough to act as a living room, a living room separate to the kitchen / diner space should also be provided so that occupants have somewhere to sit during the day / evening.

Occupants shouldn't be reliant on small individual bedrooms to sit and relax and therefore a separate living room is considered to be important.

The proposal would result in a ground floor bedroom to the front of the property, immediately off the public footway and served by a large bay window. This is considered to be inappropriate and poses privacy issues, regarding the movement of people both in and out the property and also from the general use of the street. Whilst this is an existing arrangement, the bay window would traditionally serve a living room thereby giving the occupiers the ability to move between rooms within the property to gain relief from the lack of privacy. This is less available in a HMO arrangement and the bay window is a particularly large opening in its own right thereby allowing notable views into the only private space for the occupier of that room. A bedroom to the ground floor front poses very limited ability to distance the occupants from any noise and disturbances associated with the street and its use. Natural surveillance is particularly important for a property in this location, as it is located close to a communal park/square that could attract anti-social behaviour. As a result an active frontage is important, and a bedroom is less likely to contribute to this as only one occupant will have access and curtains are likely to be shut through the day and night. The development is considered contrary to paragraphs 135d & f of the NPPF, which states that developments should create "attractive, welcoming and distinctive places to live, work and visit" that are "safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users".

The proposal will not provide any additional extensions or alter the existing window arrangements, and it is considered to have no additional significant impacts in terms of loss of privacy or loss of amenity to the neighbouring properties. However, the HMO accommodation does not meet the requirements of the Councils Conversion Policy in terms of size, space and usability and amenity, and is not considered to provide a level of accommodation suitable for long term accommodation.

Highway related matters

Concerns have been raised regarding an increase of parking pressures on Outram Street following the conversion. The Tees Valley Design Guide standards would advise that 2 car spaces are provided for the property. Currently no off-street parking is provided, and none is proposed. However, this property, along with others in the area, are heavily reliant on on-street parking, and the uplift in bedrooms is not considered to have a significant impact on this. As a result, the development will not have a detrimental impact on the highway in accordance with DC1 (test d).

Conclusion

On balance, it is considered that the principle of development is appropriate in this area. However, the HMO accommodation does not meet the requirements of the Councils Conversion Policy in terms of size, space, usability and amenity, and does not provide a level of accommodation suitable for long term accommodation. It represents an intensification of the property (with regards to adult accommodation) and doesn't provide sufficient space for unrelated people to live harmoniously with adequate levels of space, amenity and other provisions. It would represent a reduced quality of accommodation for a property which is already very limited in its provisions. This is fundamentally against the Local Plan aspirations / policy expectations and the thrust of National Planning Guidance and there are no material planning considerations which would outweigh these matters. Legislation requires decisions are made in line with the Local Development Plan unless material planning considerations indicate otherwise and there are no matters which would

suggest a decision away from Local Policy are required and this scheme does clearly relate to a reduction in quality / provision of residential accommodation.

RECOMMENDATIONS AND CONDITIONS

Refuse for the following reason:

1. **Poor standard of accommodation**

In the opinion of the local planning authority the proposed HMO does not provide an acceptable standard of accommodation and adequate means of amenity contrary to the Councils Interim Conversion Policy, Local Plan Policies and para. 135 of the National Planning Policy Framework.

IMPLICATIONS OF THE DECISION

Environmental Implications:

The proposal relates to residential development and its environmental impacts have been considered within the report above. Such considerations have included amongst others, visual implications, privacy and amenity, noise and disturbance and ecological implications. In view of all those considerations, it is on balance judged that in this instance the associated environmental impacts are considered to not be significant.

The proposed development is not in scope for Nutrient Neutrality, being within the catchment of the River Tees. Nutrient Neutrality is adequately dealt with as reported above.

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report and the recommendation is made having taken regard of the Local Development Plan Policies relevant to the proposals and all material planning considerations as is required by law.

The proposed development raises no implications in relation to people's Human Rights.

Public Sector Equality Duty Implications:

This report has been written having had regard to the need to eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited under the Equality Act 2010 and to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

There are no matters relating to this application which relate to harassment, victimisation, or similar conduct or which would affect equality of opportunity or affect the fostering of good relations between people with and without protected characteristics.

Case Officer: Tom Luke

Committee Date: 4th September 2025

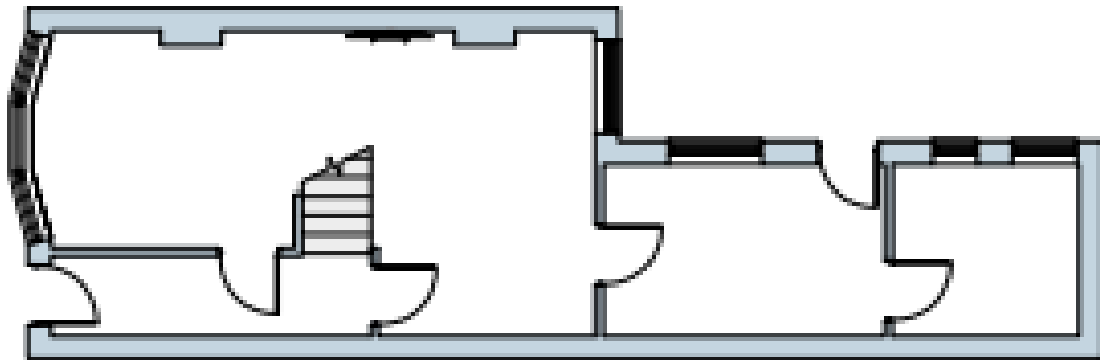
Appendices

Appendix 1: Location Plan

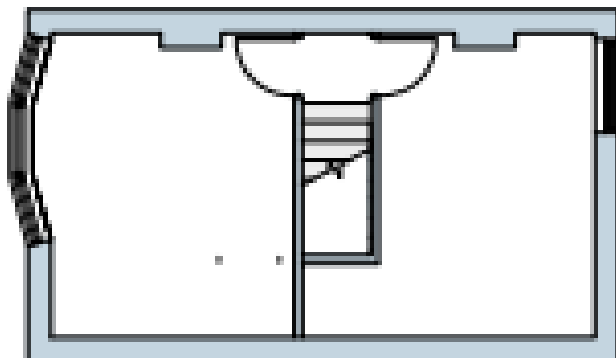


Appendix 2: Existing Floor Plans

Ground Floor Existing Layout
Scale 1:50

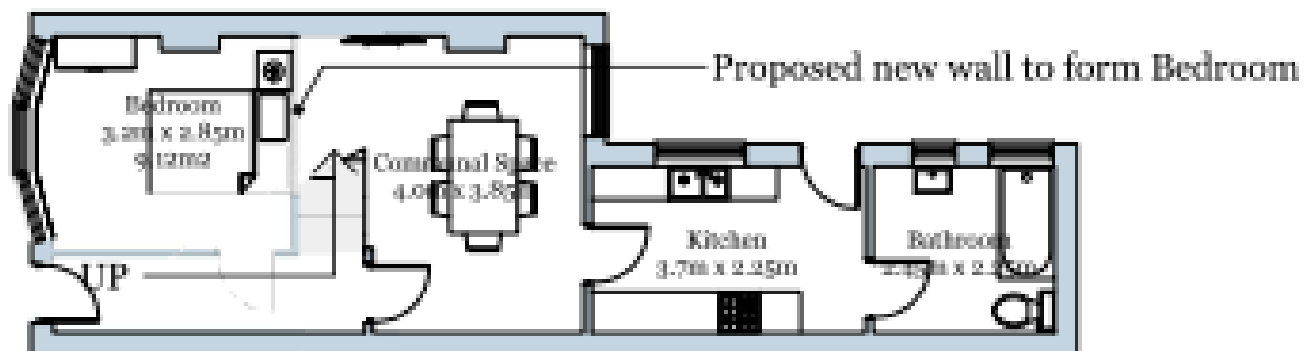


First Floor Existing Layout
Scale 1:50

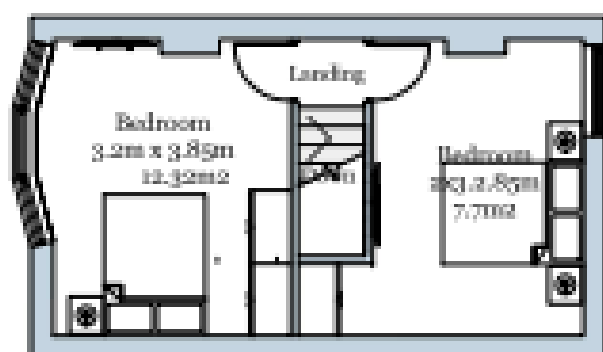


Appendix 3: Proposed Floor Plans

Ground Floor Proposed Layout
Scale 1:50



First Floor Proposed Layout
Scale 1:50



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Planning Applications Weekly List 4th June – 23rd Aug 2025

Planning reference	Proposal	Location	Registration date
25/0280/COU	Change of use from dwelling (C3) to 3 bed HMO (C4)	50, Outram Street, Middlesbrough, TS1 4EG	04/06/2025
25/0324/CLU	Certificate of lawful use from Dwelling (C3) to Residential institution (C2)	Hillside, Stokesley Road, Hemlington, Middlebsrough, TS8 9DY	12/06/2025
25/0336/CLU	Certificate of lawful use for HMO	22, Acton Street, Middlesbrough, TS1 3NG	17/06/2025
25/0321/MAJ	Erection of 205 dwellings including associated infrastructure	Land at Nunthorpe Grange, Nunthorpe Bypass, Middlesbrough, TS7 0NG	18/06/2025
25/0338/FUL	Change of use from storage yard (B8) to Waste Transfer Station (Sui Generis)	The Yard, Land Adjacent to 157 Stockton Street, Middlesbrough, TS2 1BT	23/06/2025
25/0307/DIS	Discharge of condition 3 (Boundary Treatments) on planning application 22/0623/DIS	374, Dorman House, Linthorpe Road, Middlesbrough, TS6 5BT	24/06/2025
25/0346/VAR	Variation of condition 2 (Approved plans) to regularise the as-built condition on planning application 21/0694/FUL	102 Ingram Road, Middlesbrough, TS3 7BQ	24/06/2025
25/0326/FUL	Two storey extension to side (Demolition of existing single storey extension)	6, Ruskin Avenue, Middlesbrough, TS5 8PJ	25/06/2025
25/0329/FUL	Installation of weld mesh fencing	Centuria Building, Middlesbrough, TS1 3AP	25/06/2025
25/0333/TPO	Removal of 2no. Swedish Whitebeams, crown reduction works to 1no. Horse Chestnut, 1no. Lime and 1no. Sycamore	James Cook Hospital, Marton Road, Middlesbrough, TS4 3BW	25/06/2025
25/0343/COU	Retrospective change of use from 4 bed dwelling (C3) to 5 bed HMO (C4)	31, Midville Walk, Middlesbrough, TS3 0RA	25/06/2025
25/0347/FUL	Two storey extension to side and rear and single storey extension to rear	48, Virginia Gardens, Middlesbrough, TS5 8BX	25/06/2025
25/0349/RCON	Variation of Condition 1 (Approved Plans) on Planning Approval R/2024/0196/RMM to update approved plans with substitution of house types to plots 223 to 295 (increase of 23(no) 3 bed houses and decrease of 8(no) 2 bed houses and 15(no) 4 bed houses)	LAND AT LOW GRANGE FARM SOUTH BANK	26/06/2025
25/0353/FUL	Part single storey part two storey wraparound extension and retrospective window replacement	78, Birchwood Road, Middlesbrough, TS7 8DQ	30/06/2025
25/0355/FUL	Single storey extension to side and rear (Demolition of existing conservatory) including raising of existing eaves and ridge	86 Gypsy Lane, Middlesbrough, TS7 8NH	30/06/2025
25/0356/FUL	Joint application for two single storey extensions to rear of attached, semi detached bungalows	1 Cradley Drive & 87 Malvern Drive, Middlesbrough, TS5 8HG	01/07/2025
25/0366/FUL	Installation of security fence, vehicle and pedestrian gates and reposition of existing fence	UNIT 1, LLOYDS BANKING GROUP, Romaldkirk Road, Middlesbrough, TS2 1XA	03/07/2025
25/0341/FUL	Permanent installation of 60,000L hot water thermal store	JAMES COOK UNIVERSITY HOSPITAL, Marton Road, Middlesbrough, TS4 3BW	04/07/2025
25/0342/FUL	Single storey extension to side & rear and porch to front (Demolition of existing detached garage)	14, Elwick Avenue, Middlesbrough, TS5 8NT	07/07/2025
25/0359/FUL	Single storey extension to rear and side (Demolition of existing conservatory)	69, Lynmouth Close, Middlesbrough, TS8 9NH	08/07/2025
25/0363/CLD	Certificate of lawful use for HMO (C4)	13, Holly Street, Middlesbrough, TS1 3ED	09/07/2025
25/0282/FUL	Proposed car wash	Parkway Centre, Dalby Way, Middlesbrough, TS8 0TJ	10/07/2025
25/0368/FUL	Single storey extension to rear and side	34, Grassington Road, Middlesbrough, TS4 3ET	10/07/2025
25/0370/ADV	Erection of 4no. internally illuminated fascia signs, 1no. internally illuminated totem sign and 1no. internally illuminated entrance sign	Reg Vardy Plc, South Bank Road, Middlesbrough, TS3 6AS	10/07/2025
25/0328/FUL	Retrospective replacement roof tiles, reinstatement of chimney, widening driveway including erection of pillars, imprint driveway treatment, alterations to 2no. dormer windows from timber to UPVC	15, Cornfield Road, Middlesbrough, TS5 5QJ	14/07/2025
25/0371/DIS	Discharge of condition 4 (Noise management plan) on planning application 24/0521/COU	13, Gypsy Lane, Middlesbrough, TS7 8NF	14/07/2025
25/0377/TCA	Fell 1no. Ash tree	15, Thornton Vale, Middlesbrough, TS8 9QP	16/07/2025
25/0352/COU	Change of Use from indoor recreation facility (Use Class E) to place of worship (F1(f))	390, Newport Road, Middlesbrough, TS5 4BT	17/07/2025
25/0380/DIS	Dischrge of condition 12 (Contaminated land assessment) & 20 (Method of work statement) on planning application 24/0214/MAJ	Land off Cargo Fleet Lane, (Former Fleet House and Thorntree House sites)	17/07/2025
25/0382/FUL	Erection of industrial unit (Demolition of existing industrial building)	13, Simpson Street, Middlesbrough, TS5 6HP	17/07/2025
25/0379/FUL	Retrospective - Replacement of windows and doors and Roof Replacement	Church Halls, Kings Road, Middlesbrough, TS3 6NH	18/07/2025

25/0358/FUL	Construction of drive-thru coffee shop (Use class E) with associated works	Site on the corner of Acklam Road & Burlam Road	22/07/2025
25/0384/FUL	Single storey extension to the side and rear (Demolition of existing rear extension)	17, Bedford Road, Middlesbrough, TS7 0BY	22/07/2025
25/0385/AMD	Non-material amendment to planning application 24/0356/VAR to relocate the fence line and incorporating land into openspace	Former St Davids School, 1 St Davids Way, Middlesbrough, TS5 7EU	22/07/2025
25/0381/FUL	Single storey extension to rear	10, Britain Avenue, Middlesbrough, TS5 7AT	24/07/2025
25/0386/CLU	Certificate of lawful use for 5 bed HMO	13, Surrey Street, Middlesbrough, TS1 4QD	24/07/2025
25/0388/CLU	Certificate of lawful use for 4 bed HMO	22, Enfield Street, Middlesbrough, TS1 4EH	24/07/2025
25/0387/FUL	Erection of 1no. dwelling	8 Kirkland Walk, Middlesbrough, TS3 7EF	25/07/2025
25/0392/ADV	Installation of 23no. advertisements, including 7no. internally illuminated signs comprising fascia signs and vinyl	KFC, Heath Road, Middlesbrough, TS3 6AT	25/07/2025
25/0390/TCA	Removal of 1no. Lombardy Poplar to rear	7, Claude Avenue, Middlesbrough, TS5 5PR	28/07/2025
25/0389/DIS	Discharge of condition 5 (Method of works statement) on planning application 24/0371/FUL	Land at Newham Hall, Coulby Newham	29/07/2025
25/0398/ADV	Installation of 2no. internally illuminated totem signs	PARKWAY CENTRE, Dalby Way, Middlesbrough, TS8 0TJ	01/08/2025
25/0397/DIS	Discharge of condition 3(Surface water drainage scheme) on planning application 24/0071/FUL	Parfetts Cash & Carry, CARGO FLEET LANE, MIDDLESBROUGH, TS3 8AL	01/08/2025
25/0395/FUL	Two storey extension to side	102, Lansdowne Road, Middlesbrough, TS4 2QS	04/08/2025
25/0400/AMD	Non-material amendment to planning application 22/0524/MAJ to alter placement of plot 15 wall, alter site layout and boundary treatment plan and installation of birdmouth fence adjacent to SuDs feature	Land at Ford Riding Centre, Nunthorpe, Middlesbrough	04/08/2025
25/0403/FUL	Retrospective single storey extension to rear including new window to side gable and alterations to rear window	57, Belle Vue Grove, Middlesbrough, TS4 2PZ	05/08/2025
25/0406/CLU	Certificate of lawful use for 4 bed HMO	95, Harford Street, Middlesbrough, TS1 4PW	06/08/2025
25/0407/CLU	Certificate of lawful use for 5 bed HMO	44, Outram Street, Middlesbrough, TS1 4EG	06/08/2025
25/0408/CLU	Certificate of lawful use for 6 bed HMO	29, Kensington Road, Middlesbrough, TS5 6AJ	06/08/2025
25/0405/FUL	Single storey extension and dormer to rear (Demolition of existing garage and conservatory)	53, Gypsy Lane, Middlesbrough, TS7 8NF	06/08/2025
25/0404/AMD	Non-material amendment to planning application 25/0189/FUL to extend opening hours	Vacant land adjacent to New Medical Centre, Stokesley Road, Middlesbrough, TS7 0NB	07/08/2025
25/0401/FUL	Construction and operation of a micro energy storage project	Site is a vacant grass verge area outsid, Land On The East Side Of Marton Road, Middlesbrough, TS4 3SE	08/08/2025
25/0396/FUL	Installation of raised patio and steps from Juliet Balcony	24, Marlborough Road, Middlesbrough, TS7 8LB	08/08/2025
25/0411/FUL	Single storey modular building to create activity centre (Use class E(d))	Land to the South East of Thorndyke Avenue	08/08/2025
25/0409/FUL	Single storey extension to rear	5, Clevegate, Middlesbrough, TS7 0QU	08/08/2025
25/0415/FUL	Demolition of the farmhouse and associated buildings	Lingfield Farm, Mount Pleasant Way, Middlesbrough, TS8 0XF	08/08/2025
25/0410/FUL	Single storey extension to rear and proposed infill porch to front (demolition of existing conservatory)	119, Coulby Manor Farm, MIDDLESBROUGH, TS8 0RZ	12/08/2025
25/0419/FUL	Proposed single storey extension to front, rear and sides including raised patio and render finish to all elevations	3, Gloucester Close, Nunthorpe, Middlesbrough, TS7 0BU	12/08/2025
25/0418/SCON	Change of use from Public Toilets (Sui Generis) to Retail use (Class E)	Unit B Adjacent To Costa, Teesside Shopping Park, Goodwood Square	12/08/2025
25/0399/FUL	Application for siting an InPost Parcel Locker	NUNTHORPE AND MARTON RECREATION CLUB, Guisborough Road, Middlesbrough, TS7 0JA	13/08/2025
25/0416/COU	Change of use from dwelling (C3) to HMO (C4)	41, Bow Street, Middlesbrough, TS1 4BU	13/08/2025
25/0417/COU	Retrospective change of use from dwelling (C3) to HMO (C4)	27, Wicklow Street, Middlesbrough, TS1 4RG	13/08/2025
25/0369/FUL	Change of use from retail units to 2no. dwellings including single storey extensions to rear and erection of chalet bungalow	143, Burlam Road, Middlesbrough, TS5 5AX	14/08/2025
25/0420/CLU	Certificate of lawful use for barber use of garage	3, Rose Cottage Gardens, MIDDLESBROUGH, TS8 9FA	14/08/2025
25/0421/FUL	Two storey extension to side	29, Worsley Crescent, Middlesbrough, TS7 8LU	14/08/2025
25/0422/VAR	Variation of conditions 2 (Approved plans) & 3 (Temporary permission) on planning application 24/0543/FUL to change design of struture and extend the temporary permission by 1 year	Net Zero Industry Innovation Centre, Tee	14/08/2025
25/0423/TPO	Removal and replacement of 3no. Ash trees to front	15, Thornton Road, Middlesbrough, TS8 9BS	14/08/2025
25/0374/FUL	Erection of outbuilding to rear	28, Plantation View, Middlesbrough, TS7 0AZ	18/08/2025
25/0394/FUL	Single storey extension to rear, alterations to windows and doors and cladding to rear	89, The Grove, Middlesbrough, TS7 8AN	21/08/2025

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Start Date	24-Jun-2025	to	23-Aug-2025	PAFRPTCOM1A
Planning Ref	Decision Date	Decision	Agenda Item 7	
25/0234/FUL Company / Surname Proposal Address	24-Jun-2025 BOASE Erection of dormer window to front 20 Cedar Drive	Approve with Conditions		
25/0242/FUL Company / Surname Proposal Address	25-Jun-2025 GAFUR Single storey infill extension to rear (Demolition of existing conservatory) 17, Eton Road, Middlesbrough, TS5 5EP	Approve with Conditions		
25/0262/PNH Company / Surname Proposal Address	25-Jun-2025 Mr Ace Hussain Single storey extension to rear (Length 4m, Height 3.9m, Eaves 2.725m) 29, Fountains Drive, Middlesbrough, TS5 7LW	Prior Notification Not Required/No Obj		
25/0304/AMD Company / Surname Proposal Address	26-Jun-2025 Mrs Stacy Coleman-White Non-material amendment to planning application 25/0071/FUL to alter the layout o 3, Woodhay Avenue, Middlesbrough, TS5 4QD	Approve		
25/0208/FUL Company / Surname Proposal Address	27-Jun-2025 Richard Two storey extension to side including alterations to existing dwelling (demolit The Red House Cottage, Church Lane, Middlesbrough, TS7 0PD	Approve with Conditions		
25/0210/FUL Company / Surname Proposal Address	27-Jun-2025 David Porter Two storey extension to rear and single storey extension to side/rear. 38 Chandlers Ridge, Middlesbrough, TS7 0JL	Approve with Conditions		
25/0252/DIS Company / Surname Proposal Address	27-Jun-2025 Claire Bell Discharge of conditions 3 (Details of Roads, Footpaths and Open Spaces Required) Land at Newham Hall, Coulby Newham	Part Discharge Conditions		
25/0330/DIS Company / Surname Proposal Address	27-Jun-2025 Claire Bell Part discharge of condition 5 (Method of works statement) on planning applicatio Land at Newham Hall, Coulby Newham	Part Discharge Conditions		
24/0524/FUL Company / Surname Proposal Address	30-Jun-2025 KHAN Two storey extension to side including hardstanding to front 17, Cambridge Road, Middlesbrough, TS5 5NG	Refused		
25/0203/FUL Company / Surname Proposal Address	01-Jul-2025 Miss Jane Sherwood Two storey extension to rear including installation of flue 40, Lord Close, Middlesbrough, TS5 8FF	Approve with Conditions		
25/0245/ADV Company / Surname Proposal Address	01-Jul-2025 WM Morrisons Retrospective installation of 11no. click & collect signage Morrisons, Ormesby Road, Middlesbrough, TS3 7RP	Approve with Conditions		
25/0275/FUL Company / Surname Proposal Address	01-Jul-2025 Mr Stewart Cousins Single storey extensions to front and rear including new roof and increase attic Oak Tree Cottage, Gunnergate Lane, Middlesbrough, TS8 0TE	Approve with Conditions		
25/0318/DIS Company / Surname Proposal Address	01-Jul-2025 Thirteen Group Part discharge of condition 15 (Land contamination) to plots 10 to 14 and 73 to Former Milford House, Portland House, Northfleet Avenue & Jupiter Court, Admirals Avenue, Middlesbrough	Part Discharge Conditions		
25/0319/RCON Company / Surname Proposal Address	01-Jul-2025 Redcar & Cleveland Council Application for the approval of reserved matters (appearance, landscaping, layou LAND BOUNDED BY EDGE OF NWL BRAN SANDS TREATMENT PLANT AND FORMER ICI LANDFILL TO SOUTH WEST,;, REDCA	No Objections		
25/0327/DIS Company / Surname Proposal Address	01-Jul-2025 Stonebridge Homes LTD Discharge of conditions 20 (Traffic Regulation Order) and 29 (Renewable energy) Land at Ford Riding Centre, Nunthorpe, Middlesbrough	Full Discharge Conditions		

25/0143/ADV	02-Jul-2025	Approve with Conditions
Company / Surname	CVS (UK) Ltd	
Proposal	Installation of 1no. internally illuminated fascia sign	
Address	UNIT 3, South Bank Road, MIDDLESBROUGH, TS3 8AN	
25/0180/FUL	03-Jul-2025	Approve with Conditions
Company / Surname	John Echlin	
Proposal	Single storey extension to rear (Demolition of existing conservatory)	
Address	5, The Grove, Middlesbrough, TS7 8AB	
25/0183/CLU	04-Jul-2025	Approve
Company / Surname	New Hall Park Properties Ltd	
Proposal	Certificate of lawful use for 3 bed HMO	
Address	7, Falmouth Street, Middlesbrough, TS1 3HL	
25/0195/CLU	04-Jul-2025	Approve
Company / Surname	New Hall Park Properties Ltd	
Proposal	Certificate of Lawfulness for an existing use of the property as a 3 bed House i	
Address	15 , Teak Street, Middlesbrough, Middlesbrough, TS1 3EF	
25/0235/CLU	04-Jul-2025	Approve
Company / Surname	GG-865-902 Limited	
Proposal	Certificate of lawful use for HMO	
Address	48, Enfield Street, Middlesbrough, TS1 4EH	
25/0138/FUL	07-Jul-2025	Approve with Conditions
Company / Surname	David Collighan	
Proposal	Single storey extension to rear and store to the side	
Address	22, Comfrey, Middlesbrough, TS8 0XT	
25/0263/FUL	07-Jul-2025	Refused
Company / Surname	Mr Rashad Mohamad	
Proposal	First floor extension to rear and conversion of garage to habitable room	
Address	64, Staindrop Drive, Middlesbrough, TS5 8NX	
25/0288/FUL	07-Jul-2025	Refused
Company / Surname	Twowood Property Ltd	
Proposal	Demolition of existing garage and erection of single storey extension to form ha	
Address	9, Wylam Street, Middlesbrough, TS1 4ES	
22/0160/COU	08-Jul-2025	Refused
Company / Surname	HMS Estates	
Proposal	Conversion of Terraced house into 2 no Student Flats (Sui Generis Class)	
Address	40, Aire Street, Middlesbrough, TS1 4PQ	
25/0218/CLU	08-Jul-2025	Approve
Company / Surname	Mr Sajid Rafi	
Proposal	Certificate of lawful use for 5 bed HMO	
Address	4, Ayresome Park Road, Middlesbrough, TS5 6AR	
25/0301/PNH	08-Jul-2025	Prior Notification Not Required/No Obj
Company / Surname	Mrs Susan Marsay	
Proposal	Single storey extension to rear (Length 6m, Height 3.44m, Eaves 2.56m)	
Address	95, Penistone Road, Middlesbrough, TS3 0EE	
21/0096/DIS	09-Jul-2025	Full Discharge Conditions
Company / Surname	Mr Michael McAvoy	
Proposal	Discharge of condition 12 (Surface Water Design & Strategy), condition 13 (Foul	
Address	Land At Hemlington Grange	
25/0354/AMD	09-Jul-2025	Approve
Company / Surname	Barratt Homes	
Proposal	Non-material amendment to planning application 24/0215/VAR alter position of plo	
Address	Land North of Dixons Bank, Middlesbrough, TS7 0PW	
22/0641/DIS	10-Jul-2025	Full Discharge Conditions
Company / Surname	Miller Homes Teesside	
Proposal	Reserved matters for the erection of 72 dwellings and garages with associated ac	
Address	Land off Marton Avenue, Middlesbrough	
25/0278/COU	10-Jul-2025	Approve with Conditions
Company / Surname	HALL CONSULTANTS LTD	
Proposal	Change of use from guest suite to 1no. bed apartment	
Address	Victoria Apartments, Park Road North, Middlesbrough, TS1 3NL	
23/0254/PNR	11-Jul-2025	Deemed consent
Company / Surname	Mr P Kumar	
Proposal	Prior notification for change of use of first floor only from Commercial (Use Cl	

Address	271A, Acklam Road, Middlesbrough, TS5 7BP	
24/0535/FUL	15-Jul-2025	Refuse and enforce
Company / Surname	Mr Simon & Paul Weightman	
Proposal	Change of use from agricultural land (Sui Generis) to temporary residential acco	
Address	Land to North of Stainsby Farm House, Middlesbrough	
25/0259/FUL	15-Jul-2025	Approve with Conditions
Company / Surname	Mr Wayne Hall	
Proposal	Erection of single storey building to rear	
Address	13, Stoneyhurst Avenue, Middlesbrough, TS5 4RE	
25/0311/PNH	15-Jul-2025	Prior Notification Not Required/No Obj
Company / Surname	Mr Neil Davison	
Proposal	Single storey extension to rear (Length 6m, Height 3.7m, Eaves 2.2m)	
Address	15, Ridley Avenue, Middlesbrough, TS5 7AL	
25/0250/DIS	16-Jul-2025	Part Discharge Conditions
Company / Surname	Thirteen Housing Group	
Proposal	Part discharge of condition 15 (Noise/Air Quality Assessment and Land Contaminat	
Address	Former Milford House, Portland House, No	
25/0273/FUL	16-Jul-2025	Approve with Conditions
Company / Surname	Sean Catterick	
Proposal	Single storey rear extension to rear	
Address	6, Lycium Close, Middlesbrough, TS7 8RS	
25/0286/FUL	16-Jul-2025	Approve with Conditions
Company / Surname	Mr Malcolm Bruton	
Proposal	Extension of cricket court including training nets	
Address	Middlesbrough Rugby And Cricket Clubs, Green Lane, Middlesbrough, TS5 7SL	
25/0303/FUL	16-Jul-2025	Approve with Conditions
Company / Surname	Mr Haroon Hussain	
Proposal	Retrospective single storey extension to side and rear (Demolition of existing si	
Address	1 Marton Avenue, Middlesbrough, TS4 3SQ	
25/0298/FUL	21-Jul-2025	Approve with Conditions
Company / Surname	Middlesbrough Council	
Proposal	Installation of locomotive on roundabout	
Address	Roundabout at Riverside Park Road & Ironmasters Road	
25/0309/FUL	22-Jul-2025	Approve with Conditions
Company / Surname	Lingfield College and SEN Inclusion HUB	
Proposal	Installation of 2no. containers	
Address	1a Letitia Street, Middlesbrough, TS5 4BE	
25/0095/PNO	25-Jul-2025	Prior Notification Not Required/No Obj
Company / Surname	Mr Mike Milen	
Proposal	Change of use from retail unit to 1no. 2 bedroom flat	
Address	25 Shelton Court, Middlesbrough, TS3 9PD	
25/0204/FUL	28-Jul-2025	Approve with Conditions
Company / Surname	Mr Ian Atkinson	
Proposal	Erection of fencing	
Address	King Edwards Square, Middlesbrough, TS1 3FG	
25/0383/AMD	28-Jul-2025	Approve
Company / Surname	Thirteen Group	
Proposal	Non-material amendment to planning application 24/0214/MAJ to alter the descript	
Address	Land off Cargo Fleet Lane - former Fleet	
24/0528/FUL	29-Jul-2025	Approve with Conditions
Company / Surname	Mr Shameem Issa	
Proposal	Single storey extension to rear	
Address	105, Chalford Oaks, Middlesbrough, TS5 8QQ	
25/0313/FUL	29-Jul-2025	Refused
Company / Surname	Michael Glasby	
Proposal	Single storey extension to front	
Address	7, Cremorne Close, Middlesbrough, TS7 8RE	
25/0320/FUL	29-Jul-2025	Approve with Conditions
Company / Surname	Mr Chris Lynch	
Proposal	Two storey extension to side	
Address	43, Cranbrook, Middlesbrough, TS8 9XH	
25/0215/FUL	31-Jul-2025	Approve with Conditions
Company / Surname	The Junction Foundation	

Proposal Address	Erection of new modular-built Community facility Greenfield Site, Off Cass House Road, Opposite Hemlington Recreation Centre	
25/0272/FUL	31-Jul-2025	Approve with Conditions
Company / Surname	Josh Smith	
Proposal	Single storey rear extension to rear	
Address	588, Acklam Road, Middlesbrough, TS5 8BG	
25/0315/FUL	31-Jul-2025	Refuse and enforce
Company / Surname	Mr Ed Walker	
Proposal	Retrospective erection of garage to side	
Address	1, Pennyman Way, Middlesbrough, TS8 9BL	
25/0274/FUL	01-Aug-2025	Approve with Conditions
Company / Surname	Mr Gary Palmer	
Proposal	Two storey extension to rear	
Address	16, Levick Crescent, Middlesbrough, TS5 4RJ	
25/0277/COU	01-Aug-2025	Refused
Company / Surname	Mr Safraz Hussain	
Proposal	Change of use from dwelling to 4 bed HMO	
Address	9, Chesham Street, Middlesbrough, TS5 6BS	
25/0293/FUL	01-Aug-2025	Approve with Conditions
Company / Surname	Michael Dalton	
Proposal	Single storey extension to rear including installation of a flue (Demolition of	
Address	59, Blairgowrie, Marton, Middlesbrough, TS8 9XU	
25/0116/COU	04-Aug-2025	Approve with Conditions
Company / Surname	Consistent Care LTD	
Proposal	Change of use from dwelling (C3) to childrens care home (C2)	
Address	5 Eastwood Road	
25/0296/FUL	04-Aug-2025	Approve with Conditions
Company / Surname	Thomas Russell	
Proposal	Single storey extension and erection of garage to rear (Demolition of existing s	
Address	24, Clarence Road, Middlesbrough, TS7 0DA	
25/0316/FUL	04-Aug-2025	Refuse and enforce
Company / Surname	Miss Jade Wilson	
Proposal	Retrospective replacement of timber sash windows to UPVC windows	
Address	3, Linden Grove, Middlesbrough, TS5 5NF	
25/0332/CLD	04-Aug-2025	Refused
Company / Surname	Mr Rizwan Wajid	
Proposal	Certificate of lawful development for replacement of existing garage roof	
Address	9, Chester Street, Middlesbrough, TS1 4NW	
25/0165/FUL	05-Aug-2025	Approve with Conditions
Company / Surname	Mr Nigel Garton	
Proposal	Erection of 3no. Padel courts with building enclosure	
Address	Tennis World, Marton Road, Middlesbrough, TS4 3SA	
25/0290/FUL	05-Aug-2025	Approve with Conditions
Company / Surname	Mr Gareth Codling	
Proposal	Retrospective installation of 10no. Solar panels to the roof	
Address	51, Applegarth, Middlesbrough, TS8 0UY	
25/0302/FUL	06-Aug-2025	Approve with Conditions
Company / Surname	Mrs A Rizwan	
Proposal	Part demolition of retrospective erection of single storey extension to rear	
Address	4, Marlsford Grove, Middlesbrough, TS5 8PH	
25/0163/FUL	11-Aug-2025	Approve with Conditions
Company / Surname	Ross Catterick	
Proposal	Two storey extension to side	
Address	12, Paddock Wood, Middlesbrough, TS8 0SA	
25/0335/FUL	11-Aug-2025	Approve with Conditions
Company / Surname	Pearson	
Proposal	Replacement of upvc windows and timber door at first floor, with new sash window	
Address	57, The Avenue, Middlesbrough, TS5 6QU	
25/0339/CLU	11-Aug-2025	Approve
Company / Surname	Student Property Investments Ltd	
Proposal	Certificate of lawful use for House in Multiple Occupation	
Address	62 , Acton Street, Middlesbrough, Middlesbrough, TS1 3NA	
25/0340/CLU	11-Aug-2025	Approve

Company / Surname	Student Property Investments Ltd		
Proposal	Certificate of lawful use for House in Multiple Occupation		
Address	21, Upton Street, Middlesbrough, TS1 3NE		
25/0344/FUL	11-Aug-2025	Approve with Conditions	
Company / Surname	Hide		
Proposal	Single storey extension to rear		
Address	30, Ayton Meadows, Middlesbrough, TS7 0AY		
25/0266/FUL	12-Aug-2025	Approve with Conditions	
Company / Surname	Mark Wright		
Proposal	Single storey rear extension to existing detached garage		
Address	7, Clover Field Road, Middlesbrough, TS8 9FP		
25/0133/FUL	18-Aug-2025	Approve with Conditions	
Company / Surname	Nicholas Graham		
Proposal	Replacement of slate roof to front & rear, replacement wooden door and frame, wi		
Address	18, Limes Road, Middlesbrough, TS5 6RQ		
25/0337/FUL	18-Aug-2025	Approve with Conditions	
Company / Surname	Mr Graeme Dixon		
Proposal	Single storey extension to rear (demolition of existing conservatory)		
Address	36, Barberry, Middlesbrough, TS8 0XG		
24/0348/FUL	20-Aug-2025	Approve with Conditions	
Company / Surname	Thirteen Group		
Proposal	The proposal is to modify the grass land and existing off street parking to incr		
Address	1, Gough Close, Middlesbrough, TS1 5NF		
24/0399/DIS	21-Aug-2025	Full Discharge Conditions	
Company / Surname	Katie Purdam		
Proposal	Discharge of conditions 4 (Retaining walls) and 22 (PROW dedication plan) on pla		
Address	Land subject of planning permission 22/0, Land at Ford Close Riding Centre, Brass Castle Lane, Marton in Cleveland, Midd		
24/0449/DIS	21-Aug-2025	Full Discharge Conditions	
Company / Surname	FORDY FARMS (INGLEBY) LTD		
Proposal	Discharge of conditions 4 (Roads, footpaths and adoptable open spaces), 6 (Metho		
Address	Grey Towers Farm Cottages, Stokesley Road, Nunthorpe, Middlesbrough, Middlesbrough, TS7 0NE		
24/0502/DIS	21-Aug-2025	Full Discharge Conditions	
Company / Surname	FORDY FARMS (INGLEBY) LTD		
Proposal	Discharge of conditions 8 (Surface water drainage scheme) and 9 (Surface water d		
Address	Grey Towers Farm Cottages, Stokesley Road, Nunthorpe, Middlesbrough, TS7 0NE		
25/0393/DIS	21-Aug-2025	Part Discharge Conditions	
Company / Surname	Esh Living		
Proposal	Discharge of condition 24 (Contaminated Land Validation Report) for plots M17-M3		
Address	Cleared site known as Grove Hill. Bound		
25/0350/COU	22-Aug-2025	Approve with Conditions	
Company / Surname	Mr C Pickering & Miss T Sullivan		
Proposal	Change of use from greenspace to residential curtilage		
Address	Land Adjacent to, 5 Robertson Close & 23 Parnaby Way		
Total Decisions	73	Total Approvals	63
		Total Refusals	10

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Appeal Decision

Hearing held on 18 February 2025

Site visit made on 19 February 2025

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th August 2025

Appeal Ref: APP/W0734/W/24/3351886

Nunthorpe Grange, Nunthorpe, Middlesbrough TS7 0PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Persimmon Homes Teesside against the decision of Middlesbrough Council.
 - The application Reference is: 20/0658/FUL.
 - The development proposed is described as: Erection of 69 residential dwellings with associated access, landscaping, and infrastructure.
-

Decision

1. The appeal is allowed, and planning permission is granted for the erection of 69 residential dwellings with associated access, landscaping, and infrastructure at Nunthorpe Grange, Nunthorpe, Middlesbrough TS7 0PD in accordance with the terms of the application, Reference: 20/0658/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for an award of costs has been made by Persimmon Homes against Middlesbrough Council. In addition, Middlesbrough Council have made an application for an award of costs against Persimmon Homes. These applications form the subject of separate decisions.

Preliminary Matters

3. Whilst the planning application as originally submitted sought permission for 77 dwellings, during the course of its consideration the proposal was amended to reduce the number of dwellings proposed to 69. It is common ground that the Council determined the planning application on the basis of the revised scheme, and I have, therefore, also considered the appeal on this basis.
4. A draft Unilateral Undertaking in favour of the Council (hereinafter this document is referred to as the UU) and a draft of an agreement under Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 between the appellant and the Council were provided before the hearing. A further draft Unilateral Undertaking in favour of Hartlepool Borough Council was also submitted. Subsequently, following the close of the hearing, the Section 33 Agreement and the two Unilateral Undertakings were finalised. A second version of the undertaking to Hartlepool Borough Council was submitted following comments from that Council. I have had regard to these undertakings and the agreement in my consideration of the appeal.

Main Issue

5. The main issue in this appeal is whether the proposed development makes suitable provision for alternative travel options to the private car and promotes alternative means of travel.

Reasons

6. The appeal site comprises approximately 5.35 hectares of land adjoining the south-eastern boundary of the existing built form of Nunthorpe, to the south of Middlesbrough. The site is currently rough grassland with a lower lying pond/wetland area on part of it. It is bounded to the south and southeast by the A1043 road and to the northeast by a railway line. Beyond the A1043 is open countryside. West of the appeal site boundary are open fields.
7. The current settlement of Nunthorpe predominantly developed during the twentieth century around an earlier railway station that is located to the north west of the appeal site. Next to the railway station, on Guisborough Road, is a small local centre with amongst other things a convenience shop, pharmacy, hairdresser and hot food takeaways. There are also schools, a second small local centre, and a number of other local services elsewhere in the village. In addition to the railway station, bus services run through the settlement on Guisborough Road.
8. The site is part of a wider allocation for residential development at Nunthorpe set out in Policy H29 of the Middlesbrough Housing Local Plan 2014 (the HLP). The principle of residential development on the site is not at issue between the main parties and nearly all detailed matters relating to the development are agreed as common ground.
9. The sole matter in dispute between the parties is whether there is a requirement for a pedestrian and cycle link between the new development and the existing residential development on Nunthorpe Gardens to facilitate pedestrian and cyclist movements and encourage the use of alternative means of transport to the private car. At the end of the cul-de-sac road of Nunthorpe Gardens, there is a strip of land that runs between numbers 18 and 19 and adjoins the appeal site boundary, where there is a field gate. The field gate is reached by a “grasscrete” access track which runs from the metalled road and footway. At the time the application was made and at the time of the hearing, this area of land was in the ownership of a third party.
10. In essence, the appellant’s position is that there is no policy requirement for such a link but, in any event, the appellant can either provide the link, or a suitable alternative route. The Council contend that such a link is necessary, there is doubt over the appellant’s ability to provide the link, and that the alternative proposal is not a suitable route.
11. The Middlesbrough Local Development Framework Core Strategy 2008 (the Core Strategy) at Policy CS4 addresses Sustainable Development and expects *inter alia* that new development ensures everyone has access to the health, education, jobs, shops, leisure and other community and cultural facilities that they need in their daily lives; and is located so that services and facilities are accessible on foot, bicycle, or by public transport. This is so that reliance on the private car is reduced or minimised, and the use of sustainable forms of transport encouraged. Policy

CS5 of the Core Strategy expects new development to be of a high standard of design that it is well integrated with the immediate and wider context.

12. HLP Policy 29 sets out that development proposals will be expected, amongst other matters, to retain and integrate existing footpaths, which should be combined with additional cycle and footpath routes. Policy H29 is accompanied by an indicative site layout for the wider allocated site at Figure 3.4. This shows an existing Public Right of Way to the south west of the appeal site that runs generally north west across the allocation from the A1043 to Guisborough Road and an annotation “pedestrian links” indicated by a black double ended arrow that runs generally north east to south west across the allocation from the appeal site to Stokesley Road. It does not, however, indicate a link to Nunthorpe Gardens from the part of the allocated site containing the appeal site.
13. In January 2019, the Council adopted the Nunthorpe Grange Design Code (the Design Code). This document sets out more detailed design requirements for the housing area which are to be read alongside the more general policies in the Core Strategy and HLP. These include noting that, to be successful Nunthorpe Grange must be well connected to the existing homes and community in Nunthorpe and setting out an expectation that a meandering network of footpaths and cycleways would cross the wider housing area linking the new green spaces and connecting back to the existing Nunthorpe community. The Design Code also notes that “The location of the Nunthorpe Grange site at the edge of Nunthorpe and in close proximity to major transport routes could lead to an isolated development if the concepts of community and connectivity are not integrated into the development”.
14. Included within the Design Code is an indicative masterplan which states that it was produced in response to the site analysis carried out in previous sections of the document, and the requirements set out in the HLP. It also states that the masterplan shows the essential elements to be incorporated into any design¹. The masterplan shows a pedestrian and cycle link from the appeal site to Nunthorpe Gardens in addition to other internal site paths which are more extensive than shown on Figure 3.4 of HLP Policy H29.
15. The National Planning Policy Framework (the Framework) encourages the preparation of design guides and codes to provide maximum clarity about design expectations at an early stage of the development but notes that to carry weight in decision making design guides or codes should be produced either as part of a plan or as supplementary planning documents. Whilst not styled as a supplementary planning document, the Design Code has been subject to public consultation, and consultation with relevant stakeholders, and has been formally adopted by the Council. Consequently, I am of the view that at the very least moderate weight can be given to the Design Code.
16. Paragraph 109 of the Framework sets out the overarching objective that transport issues should be considered from the earliest stages of plan-making and development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places by amongst other matters identifying and pursuing opportunities to promote walking, cycling and public transport use

¹ Middlesbrough Council - Nunthorpe Grange Design Code 2019 pp 18-19

17. Framework Paragraph 115 expects that sustainable transport modes are prioritised, taking account of the vision for the site, the type of development, and its location. Framework Paragraph 117 sets out that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second to facilitating access to high quality public transport. It also expects development to create places that are safe, secure, and attractive, and minimise the scope for conflicts between pedestrians, cyclists, and vehicles.
18. The Development Plan allocation indicates that the wider site covered by the H29 allocation is broadly well located in terms of the potential to access shops, schools, employment opportunities, services and other facilities. It is not explicitly set out in either Core Strategy Policy CS4 or HLP Policy H29 that a pedestrian and cycle link to Nunthorpe Gardens is required. Nevertheless, Core Strategy Policy CS4 requires development to be located so that services and facilities are accessible on foot, bicycle, or by public transport to reduce reliance on the private car. Policy CS5 requires development to be well integrated with the immediate and wider context and HLP Policy H29 requires additional cycle and footpath routes to be combined with existing ones. The Framework expects walking, cycling and public transport to be prioritised with the highest priority given to pedestrian and cycle movements.
19. Within this context, the guidance in the Design Code in respect of the provision of a pedestrian and cycle link, although it is not policy *per se*, would achieve these policy requirements and make the development compliant with the requirements of Policies CS4, CS5 and H29. Taking all of the relevant policy factors together, the link between the appeal site and Nunthorpe Gardens is required to make the development acceptable.
20. I have noted the appellant's point that new bus stops of the A1043 are being provided as part of the development and that Core Strategy Policy CS4 g) refers to services being available by foot, cycle, or public transport. Nonetheless, it is not at all clear when bus services might be diverted or routed via the A1043 to serve the new bus stops. The appellant accepted at the hearing that it is not yet known which bus service would be diverted to serve the Nunthorpe Grange allocation. The submitted UU does contain a provision for the payment a sum towards strategic highways improvements towards the provision of highway works to improve the accessibility of the site for non-car users. However, these works are unspecified in the UU (but likely refer to certain requirements set out in the Design Code), and the phrase strategic highways improvements would not necessarily imply the subsidising of the diversion of a bus service. If this were the intention, I would expect it to be more explicitly stated. I would agree with the view expressed by the Council at the hearing that the bus operators would be unlikely to divert a bus route to serve a relatively small number of dwellings and that, as such, it may be some years before public transport becomes a viable alternative for residents of the new development to access facilities in Nunthorpe. Consequently, I do not consider that there would be a public transport option available from the outset of the development which would compensate for there not being a pedestrian or cyclist connection to the wider settlement.
21. The appellant also proposed an alternative route in the event that a link between the proposed development and Nunthorpe Gardens was not achievable. This alternative route proposed a link from the south of the appeal site, alongside the

A1043 to join an existing Public Right of Way Footpath, Footpath 114/9/1, to the east of the appeal site. Footpath 114/9/1 commences on the A1043 and terminates on the adopted highway of Morton Carr Lane to the north from whence access can be gained to Guisborough Road to the north east of the station and local centre.

22. This alternate route is approximately twice the length of the walking route from the site via Nunthorpe Gardens. Depending on the point within the site from which the distance is measured, the length of the proposed alternative route would be between 1.4 and 1.7 kilometres to the local centres on Guisborough Road as opposed to approximately 0.6 kilometres via Nunthorpe Gardens. It would also involve walking a considerable distance adjacent to the A1043, which is subject to a 60mph speed limit at this point. Due to changes in land levels between the A1043 and adjacent land to the north, the practical width of the grass verge adjacent to the carriageway varies and it is encroached into by gullies for the highway drainage. The available width also narrows where the road is bridged over the railway line. A combined footway/cycleway requires a minimum width of 3 metres in order to safely accommodate both types of user. From measurements taken during the site visit, and agreed by the parties, this 3 metre width could not be achieved along the whole of the relevant part of the A1043. The section of the route along Footpath 114/9/1 is enclosed by trees to each side and is generally secluded. At present it is not surfaced. Neither the A1043 nor Footpath 114/9/1 has lighting although I note that if this option were to be pursued it is proposed that lighting would be installed to the A1043, and lighting and a sealed surface provided to Footpath 114/9/1.
23. During the site visit I walked from the appeal site via Nunthorpe Gardens to the station/local centre and from there back to the appeal site via the proposed alternative route. I observed during the site visit that traffic speeds on the A1043 were generally high. During periods of inclement weather, the combination of the proximity to the carriageway and the high vehicle speeds would lead to significant amounts of road spray being experienced by any pedestrian/cyclist route alongside. Due to the presence of tree planting alongside the A1073, and the presently undeveloped area around Morton Carr Lane, the suggested route has an isolated feeling and appearance and, because the tree belt is to be retained, would not benefit from much casual surveillance from the proposed housing. Whilst the appellant suggests that distances of up to 2 kilometres are acceptable for walking, whether that option is taken up would very much depend on the attractiveness of the route. From what I saw when I visited the site, I am not persuaded that such an exposed and isolated route would be attractive to pedestrians or cyclists.
24. Although not determinative, Footpath 114/9/1 currently only has public rights over it on foot and there are no rights over this route for cyclists. This footpath is located in the neighbouring Redcar and Cleveland Borough and the views of the relevant Highway Authority in respect of any upgrade to Bridleway status, or if any higher rights may exist, are not known. This casts further doubt on the potential efficacy of the proposed route in genuinely prioritising pedestrians and cyclists and providing an alternative to the use of the private car.
25. Overall, based on the submitted evidence and what I saw when I visited the site, due to its length and physical characteristics, the suggested alternative route would be unlikely to encourage walking or cycling from the appeal site to facilities within Nunthorpe and would result in most, if not all journeys being made by

private car. As a result, I do not find the argument that the suggested alternative route would be a suitable or attractive route for pedestrians and cyclists a persuasive one. Consequently, in my view, the provision of a link from the appeal site to Nunthorpe Gardens as set out in the Design Code is the only practical solution to make the development compliant with the requirements of Policies CS4, CS5 and H29.

26. The appellant considers that a Grampian style condition could have been imposed to achieve this. The Planning Practice Guidance advises that it may be possible use a negatively worded condition to prohibit development authorised by the planning permission until a specified action has been taken. However, it also advises that such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission. At the time of the determination of the planning application the appellants position was that the land required for the link was not available for purchase and, consequently, that link could not be delivered². On this basis, it could reasonably be concluded that there was no prospect of the action in question being performed within the 3 year time limit normally imposed on planning permissions and, as such, it would not be appropriate to utilise a Grampian style condition.
27. In their appeal submissions the appellant sets out that through negotiation they have reached an agreement with the 3rd party landowner to purchase the land required for the pedestrian/cycle link to Nunthorpe Gardens. Shortly before the hearing opened the appellant provided a copy of an undated letter from the landowner stating that the landowner has agreed in principle, although subject to contract, to either; transfer the land to the appellant; or grant an easement over the land for pedestrian access only.
28. At the hearing the appellant's representative advised that the purchase of the land had been agreed, and that the price had been agreed, but the transfer of title to the land was pending. It was further stated that appellant is acquiring the land regardless of the outcome of the appeal. I have not received any further update in respect of this since the hearing closed and have to assume that any prospective purchase has not yet been finalised.
29. This notwithstanding, the appellant's statements at the hearing do clarify that there is now no longer "no prospect at all" of the action being carried out within time limit of any permission granted. On the basis of the evidence that has come forward at appeal, there is at least a reasonable expectation that the appellant would be able to secure the land required for the footway/cycleway link. This does not, however, necessarily make a Grampian style condition appropriate.
30. The land over which the footway/cycleway link would pass is outside the planning application site boundary. Presently there are no public rights over the land. In order to ensure that there would be permanent public rights to pass and repass over this land, that the route is properly maintained in the interests of safety, and that the development would be well integrated with the immediate and wider context and combined with existing footway and cycle routes, it is necessary that the footway/cycleway link be dedicated as a highway.

² Appellant's Committee Handout at Appendix 1J to the Council's Statement of Case.

31. A planning condition cannot be used to require that land be dedicated as a public highway³. The finalised UU contains a provision that a scheme be submitted to the Council demonstrating that pedestrian and cyclist access from the appeal site to the existing highway on Nunthorpe Gardens for all persons has been secured in perpetuity, when it will be delivered, and that it would be offered for adoption by the Highway Authority. This obligation would meet the tests in Paragraph 58 of the Framework and the requirements of Section 122(2) of the Community Infrastructure Regulations 2010 in that it is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
32. Although the appellant has not yet obtained legal ownership of the necessary land, the terms of the obligation are such that the development could not proceed unless and until the obligation is met. In this respect the obligation offered at the hearing would address the objection by the Council in respect of the connectivity of the proposed development for pedestrians and cyclists.
33. That said, on its face the wording of the obligation does not provide certainty with regard to when the footway/cycleway link would be implemented and made available. It does require a timescale for delivery to be submitted before development commences but goes no further than that. Although point 10.2 of the Schedule to the UU specifies that the development shall come forward in strict accordance with the approved details, point 10.1 does not suggest that the details are to be approved by the Council, merely that they are submitted to it.
34. It is not within the scope of my powers to amend the submitted unilateral obligation beyond finding that any obligation contained therein does not pass the statutory tests and, consequently, does not have any effect. However, the implementation of the footway/cycleway link could be secured by way of a planning condition requiring it to be delivered at a specific trigger point, e.g. before any completed dwellings are occupied.
35. Drawing the above points together, I have found that, in order to comply with the requirements of the development plan and the framework and to ensure that the proposed development makes suitable provision for alternative travel options to the private car and promotes alternative means of travel, it is necessary for there to be a footway/cycleway link from the appeal site. I have also found that the route proposed by the appellant via the A1043 and Morton Carr Lane would not be a suitable alternative to a link from the appeal site to Nunthorpe Gardens. At the time that the application was determined, the appellant's position was that it was not possible to provide the link to Nunthorpe Gardens due to land ownership issues.
36. Since the determination of the application and during the course of the appeal, the circumstances in respect of the land ownership have changed. The evidence before me at the hearing indicates that although these are not finally resolved, there is a reasonable likelihood that the appellant will in fact be able to acquire the required area of land to provide the link within the time limits of any planning permission granted and a planning obligation is offered requiring the details of that link and when it would be implemented to be provided. Subject to a suitably

³ *DB Symmetry Ltd & another v Swindon Borough Council* [2022] UKSC 33 applying the judgement in *Hall & Co Ltd v Shoreham by Sea UDC* [1964] 1 WLR 20 which found that a condition that sought to establish a right of passage over land to all persons was *ultra vires*.

worded condition, the link could be provided at an appropriate time. Within this context, I am satisfied that the proposed development would make suitable provision for alternative travel options to the private car and promote alternative means of travel. It would therefore comply with the relevant requirements of Core Strategy Policies CS4 and CS5, HLP Policy H29, the Guidance in the Design Code, and the requirements of the Framework.

Other Matters

37. Concerns were raised by interested parties regarding the effect on the living conditions of the occupiers of number 18 Nunthorpe Gardens in terms of overshadowing and loss of light caused by the erection of a two storey house on plot 46 of the proposed development. 18 Nunthorpe Gardens is a two storey detached house the gable of which faces the appeal site. A conservatory has been constructed on the gable end of the house and extends to approximately 1.9 metres from the current property boundary fence, which is approximately 1.8 metres high at this point. The proposed development includes a two storey house on Plot 46. This house would have an L-shaped plan form with the longer leg running parallel to the common boundary with 18 Nunthorpe Gardens. The front gable end of the proposed new house would be approximately level with the frontmost part of the house at 18 Nunthorpe Gardens and the rear wall of the proposed house would be sited beyond the rear wall of number 18. The new house would be positioned close to the common boundary.
38. Although it was suggested that Number 18 Nunthorpe Gardens has acquired a right to light, no evidence was provided to me to demonstrate that an easement in respect of light has been registered at the property or the appeal site. Nonetheless, Policy DC1 of the Core Strategy expects development proposals to have a minimal effect on the amenities of occupiers of nearby properties both during and after completion.
39. Reference has been made to the guidance published by the Building Research Establishment (BRE) with regard to effects on sunlight and daylight⁴. Whilst this document is used by many local planning authorities in assessing proposals, it is not planning policy but rather guidance.
40. The 25° and 43° tests set out the BRE guidance give an indication of whether there will be an effect on sunlight and daylight received at a neighbouring property. They do not, however, give an indication of the magnitude of that effect or whether that effect will be adverse. The magnitude of the effect is assessed by further calculations to determine the difference between the pre and post development situation and the extent of any reduction. No further assessment of the extent of the effect has been put to me.
41. The proposed house on Plot 46 would be located to the south east of number 18 Nunthorpe Gardens. As a result of the relative positions and height of the proposed house, there would a reduction in the amount of daylight and sunlight received by the conservatory at number 18 during the course of the day. Nevertheless, because of the extent of the glazing in the structure, it would still receive direct sunlight for part of the day, notably in the afternoon and evenings once the sun has passed the position where the new house would intervene. Whilst there would be a change, this is not synonymous with harm. The overall

⁴ Site layout planning for daylight and sunlight - A guide to good practice. Littlefair *et al* 3rd Edition 2022

context also needs to be taken into account. The proposed new dwelling on Plot 46 would affect the conservatory at number 18 which is just one of the principal habitable rooms. It is not suggested that the proposed new house would affect daylight or sunlight to any of the other rooms in the house. There is no substantiated evidence that the extent of the reduction in sunlight and daylight would be so great as to constitute an adverse effect.

42. Also due to the extent of the glazed area of the conservatory the proposed new dwelling on Plot 46 would be visible from there. The wall of the new house would be approximately 4.5 metres from the end wall of the conservatory. At present the outlook from the south-eastern side of the conservatory is partly occluded due to its proximity to the existing boundary fence. This would be increased by the presence of the new house. However, the outlook from the front and rear of the conservatory would be unaffected and the proposed new dwelling would not be visible from any of the other habitable rooms within number 18. Taken overall, although there would be an effect on number 18 this would be limited to just one room and, consequently, the effect would not be so severe that the house would be a notably less pleasant place to live.
43. It should be borne in mind that Core Strategy Policy DC1 does not require there to be no harm to nearby properties, only that the effect of the development be minimal. The Policy accepts that new development may have some minor adverse effects on nearby properties and yet still be acceptable. I find that to be the case here and that the proposal would not conflict with Core Strategy Policy DC1.
44. Due to the topography of the site and a high water table making infiltration drainage for surface water impractical, it would be necessary to incorporate a pumping station for both foul and surface water into the overall design of the development. It is proposed that this would be located in the northern part of the site within the area of open space. Concerns were raised by interested parties with regard to the visual appearance of the pumping station.
45. Although it would be located within an open part of the site, the majority of the facility would be located below ground. The only significant above ground elements would be a small area of hardstanding and an equipment cabinet measuring 3 metres wide, 1.2 metres in depth and 2.2 metres high. The vehicular access and the majority of the interior of the pumping station compound would utilise "grasscrete" or a similar pre-cast product that allows grass to grow through a weight-bearing surface. The compound would be enclosed by 1.05 metre high metal railings⁵ combined with a native species hedge⁶.
46. Once established, this hedge would provide an element of screening to the relatively small equipment cabinet. The submitted Landscape Masterplan illustrates other areas of planting and new trees within the proposed open space area together with pathways. Within this context I find that the location, design, and layout of the proposed pumping station would not result in an incongruous or unsightly feature.
47. The UU made in favour of the Council, in addition to securing pedestrian and cyclist links to the existing built up area of Nunthorpe, covers financial

⁵ As shown on Boundary Treatment Layout, Drawing No: NUN/GBR/004 Revision Y

⁶ Landscape Masterplan, Drawing No: JBA 20/084/SK01, Revision C

contributions to off-site affordable housing, the provision of community facilities, and strategic highways improvements. The UU also makes provisions for a sustainable travel voucher to be given to the first occupier of each new dwelling; entering into an agreement under Section 33 of the Local Government Miscellaneous Provisions) Act 1982 in respect of nutrient neutrality mitigation for the development; the provision of a temporary access from the A1043 and its subsequent removal when no longer required; the provision and future maintenance and management of public open space within the site; and provision for the future transfer of the public open space land to the Council at, or before, the end of a five year maintenance period.

48. Core Strategy Policy C6 sets out that the Council will seek contributions towards the cost of providing infrastructure and of meeting social and environmental requirements where necessary. Policy H12 of the HLP requires developments of five or more dwellings to provide 15% of the proposed units as affordable housing and on sites of 30 or more, a minimum of 5% must be provided on site with the remainder provided as a financial contribution to fund affordable housing on regeneration sites. The appeal scheme proposes that the 15% requirement for affordable housing is met entirely through off site provision. This aligns with Policy H29(k) of the HLP and Policy H12 does allow for flexibility where other policies indicate that this can be so. The requirement for the affordable housing contributions is therefore necessary to make the proposal compliant with HLP Policies H12 and H29.
49. The submitted UU includes a sum of £50,000 as a contribution towards the provision of new community facilities or the improvement of existing community facilities in the Nunthorpe Ward. Although this figure is agreed by the Council⁷, no evidence has been put to me regarding how this figure was arrived at or the purposes to which it might be put. Core Strategy Policy C6 sets out that contributions towards the cost of meeting social requirements will be sought where necessary. Nevertheless, in order to meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) and Paragraph 58 of the Framework, the obligation must be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The introduction of new residential development may increase demand for community facilities. However, in the absence of any evidence as to what this contribution would be used for, what facilities are lacking or are required in Nunthorpe, or whether the sum sought is proportionate, it has not been demonstrated that the obligation for a contribution towards community facilities is necessary to make the development acceptable or to fulfil a policy requirement. As such this obligation does not meet the relevant tests and cannot be taken into account.
50. The Design Code sets out off-site works and contributions which are required in connection with the development of the site⁸. These include the provision of the choice of a free bicycle/bicycle accessories or bus pass to the maximum value of £200 to first residents in order to promote sustainable travel; connection of a shared surface path to the existing A1043 roundabout and creation of crossing points on all arms of the roundabout; improvements to the two local bus stops on Guisborough Road; and provision of a footpath along Guisborough Road with a

⁷ Statement of Common Ground - Section 9.2

⁸ Nunthorpe Grange Design Code- Page 21

safe crossing point to link to the existing bus stop. It also requires a contribution towards local strategic road improvements at a rate of £159,295 per net developable hectare. The application was also accompanied by a Framework Travel plan that seeks to encourage the use of alternative modes of travel to the use of private cars.

51. The obligations to provide a sustainable travel voucher and make a financial contribution to strategic highways improvements to improve the accessibility of the development for non-car users are therefore necessary to make the development acceptable in planning terms, meet the requirements of Policy H29 and the Design Code, and to facilitate the implementation of the Travel Plan.
52. The appeal site lies within the catchment of the River Tees and has the potential to impact on the Teesmouth and Cleveland Coast Special Protection Area (and Ramsar Site) (SPA) which Natural England consider to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates. Consequently, in order to be acceptable, it is necessary for the development to provide mitigation. The obligation to enter into a legal agreement to provide a nutrient neutrality mitigation strategy is required to secure this. This matter is considered further later in this decision.
53. With regard to the provision of the temporary access, planning permission has been granted for a roundabout junction on the A1043 which will ultimately provide the main vehicular access to the site although construction of this has not yet started, and in any event, it is located further west than the appeal site boundary. It is unclear whether this access would be provided before any dwellings are completed on the appeal site. As a result, in order to ensure that there is a proper vehicular access to the appeal site, it is necessary to require the construction of the temporary access prior to the construction of any new dwellings. The Nunthorpe Grange Design Code sets out that there should only be one access from the A1043 and, therefore, the temporary access should also be removed once the roundabout junction is provided. Whilst some of these requirements could potentially be dealt with by way of a planning condition, the timings for removal of the temporary access are tied to the completion of legal agreements by a third party with the highway authority. In these circumstances it is more appropriate that they form part of an obligation.
54. The development includes a large area of open space. HLP Policy H29 requires that the development of the wider Nunthorpe Grange site sets aside approximately 3 hectares of land for public open space and recreational purposes. The open space element of the proposal is necessary to allow the development to contribute towards meeting this requirement. The obligation is necessary to ensure that the open space is provided at an appropriate time and to an appropriate standard and made available to the public. The UU also contains an obligation to offer to transfer the open space to the Council at or before the end of the required initial maintenance period. This is necessary to secure future access by the public for the lifetime of the development.
55. I therefore find that the submitted UU meets the relevant tests in the CIL Regulations and Paragraph 58 of the Framework, except where noted in Paragraph 51 *ante* of this decision in respect of the contribution to community facilities.

56. An agreement made under Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 between the appellant and the Council was submitted in draft before the hearing and finalised shortly after the hearing closed. This agreement relates to land owned by the appellant in the administrative area of Hartlepool Borough Council (hereinafter HBC). The land in question forms part of a site being developed by the appellant that was formerly farmland and also lies within the River Tees catchment area. As farmland, this contributed to the nutrient loading in the Teesmouth and Cleveland Coast SPA but because it is being taken out of agricultural use part of the resulting reduction in nutrient loading is to be used to offset the additional load from the appeal site. The Agreement sets out a mitigation strategy that effectively requires that the land bound by the agreement remains as residential urban land. This approach is agreed with Natural England and the Section 33 Agreement in combination with the UU secures this.
57. There has been some correspondence from the parties and from HBC following the close of the hearing in respect of a further unilateral undertaking under S106 of the Town and Country Planning Act 1990 made by the appellant in favour of HBC. This unilateral undertaking has currently been submitted in two forms with slightly different wording "Version A", dated 13 March 2025 and "Version B", dated 7 April 2025. Although HBC comments that the Section 33 Agreement will secure the necessary nutrient mitigation it questions the need for the obligations made to it.
58. Version A of the obligation requires *inter alia* that monitoring reports on the effectiveness of the Nutrient Neutrality Mitigation Strategy be provided to HBC, sets out steps to be taken in the event that the strategy is not meeting the nitrate offsetting requirement, and requires the site owner (who is the appellant in the case) to apply to the Council to have the unilateral undertaking registered as a land charge against the site. Version B of the undertaking is essentially similar in wording apart from the monitoring reports and steps to address any deficiencies identified are required to be reported to Middlesbrough Council.
59. HBC assert that the drafting of Version A in Paragraph 1.4 of Schedule 2, in effect, places an obligation on HBC to approve a remediation plan in the event that the Nutrient Neutrality Mitigation Strategy is failing, which a unilateral undertaking should not do. I would agree that, on a straightforward reading, this would be the case. Version B shifts the monitoring and agreement of remediation to Middlesbrough Council, and to all intents and purposes echoes the requirements in Schedule 1 to the Section 33 Agreement. HBC agree that Middlesbrough Council are the appropriate body for those requirements but question if this does not render the unilateral undertaking to HBC somewhat moot.
60. There is some traction in that argument. However, Paragraph 1.5.2 of Schedule 1 is an obligation to seek the registration of the unilateral obligation as a local land charge against the mitigation site at Hartlepool. The Nutrient Neutrality Mitigation Strategy is in connection with a site in a different local authority administrative area to the appeal site, is required to make the appeal proposal acceptable, and is intended to last for at least 80 years. Given this, it is necessary to take account of any future changes in landownership, any future changes to local government administrative areas, and the fact that the people who are aware of the arrangements made at present may not be involved in the future and, in any event, are unlikely to be involved for the entire term of the agreement. The registration of the undertaking as a land charge would ensure that the requirements of the site are recorded and secure the necessary continuity of the Nutrient Neutrality

Mitigation Strategy. For this reason, I find that Version B of the Unilateral Undertaking to HBC dated 7 April 2025 is necessary, but that Version A is not.

61. I have had regard to all of the representations made by interested parties in respect of the planning application and the appeal. However, the points raised therein do not lead me to a different overall conclusion.

Conditions

62. I have had regard to the list of suggested conditions provided by the parties. A number of these conditions are pre-commencement conditions, and the appellant has agreed to these conditions being imposed if the appeal is allowed.
63. The proposal has been through a number of iterations since it was originally submitted to the Council and in order to provide certainty with regard to what has been granted planning permission, I have attached a condition specifying the approved drawings, which are set out in a separate Schedule.
64. The appeal site is adjacent to a residential area, but vehicular access would be from the A1043. The A1043 is a busy main road subject to a 60 mph speed limit. It is necessary to manage the development of the site by way of a method of works statement in order to ensure that construction traffic and site operatives do not attempt to access the site through the existing residential street of Nunthorpe Gardens or park in the residential area. Similarly, it is necessary to ensure that construction related vehicles do not wait on or park on the verges of the A1043 and obstruct traffic on this road. It is also necessary, in the interests of road safety, to ensure that mud and debris is not tracked onto the A1043 from the construction site and that any damage to the carriageway caused by the passage of heavy construction vehicles is accounted for. As the measures in the method statement would need to be in place for the entire duration of the construction period it is necessary that this condition be a pre-commencement condition.
65. Parts of the appeal site are within Flood Zones 2 and 3 and Low Gill, a watercourse identified as a statutory Main River, originates within the site and flows north west out of the site through residential areas to ultimately drain into the River Tees. The development of the site for residential purposes will alter the drainage characteristics of the site. It is necessary that surface water run-off is properly managed in order not to increase the risk of flooding downstream of the development site and minimise the risk of increased flooding and contamination of the sewerage system and the watercourse during the construction period. As only limited details of the proposed drainage arrangements were submitted with the application it is necessary to impose a condition requiring that the full technical details and arrangements for their subsequent management and maintenance be provided. Because measures to manage surface water during construction would need to be in place at the commencement of the development and drainage systems are installed early in the construction process, it is necessary that these be pre-commencement conditions.
66. No formal assessment for the potential of contamination being present on the site has been undertaken as part of the application process. Part of the site was formerly occupied by a dwellinghouse and stables, with the remainder in agricultural use. There is, consequently, the potential for contamination to be present which has not been identified and given the proposed future use of the site for residential development, the land must be in a suitable condition for that use. It

is, therefore, necessary to impose a condition requiring that the site to be investigated for any potential contamination in order that it can be suitable remediated if required. Because the site investigation and any required remedial works would have to be carried out before the site is disturbed by development activities, it is necessary that this condition is a pre-commencement condition.

67. Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Policies & Sites Development Plan Document 2011 expects all major developments to carry out a waste audit that identifies the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The audit is required to set out how this waste will be minimised and where it will be managed to promote the recovery of value from it. As this was not included in the application submission, in order to meet the requirements of this policy it is necessary to secure the audit through a planning condition. Because the audit is required to cover waste produce during the construction period, it is necessary that this be a pre-commencement condition.
68. Although an indicative landscape masterplan has been submitted, this lacks the necessary detail to be an implementable scheme. To ensure that the landscaping is properly and appropriately integrated with the built form of the development, it is necessary to attach a condition requiring that the details of the landscaping is submitted for approval before each phase of the development commences.
69. The appeal site contains a number of existing, established trees mainly around the perimeter which it is proposed to retain. In order to ensure that these trees are not damaged during the construction period it is necessary to attach a condition requiring the developer provide appropriate protection for the duration of works on the site. For this reason, it is necessary that this also be a pre-commencement condition.
70. There is evidence of the presence of Great Crested Newts at the site. To ensure that waterbodies and habitats on the site are protected during the construction period it is necessary to require by condition the submission, approval, and implementation of a Construction Environment Management Plan. As these measure would need to be in place for the duration of the construction period, this necessitates the condition being pre-commencement.
71. To ensure that each new dwelling is served with suitable vehicular access and appropriate parking facilities, it is necessary to impose conditions that prevent the occupation of any dwellings on the site until such time as these have been provided.
72. As set out under the main issue, it is necessary that the footway/cycleway link from the site to Nunthorpe Gardens be provided. Although elements of this are covered by the UU, in order to ensure that it is provided and available for all residents of the new development it is necessary to impose a condition requiring that this be in place before the first occupation of any dwellings.
73. Core Strategy Policy CS4 expects new developments of more than 10 dwellings to incorporate on-site renewable energy facilities or energy saving technologies to provide a minimum of 10% of the predicted energy requirements. This information was not included within the application, and it is therefore necessary to secure compliance with Policy CS4 that a condition is attached requiring this.

74. The scheme includes extensive areas of landscaping, the precise details of which are required by other conditions. To ensure that this landscaping becomes established and remains, it is necessary to attach a further condition requiring details of the management and maintenance of this to be submitted for approval and thereafter implemented.
75. Whilst some details of the proposed external materials have been submitted with the application, the proposed facing bricks and roof tiles are a proprietary product manufactured by the appellant and little information in respect of these is publicly available. Precise information has also not been provided in respect of detailing elements such as doors, windows or fascia boards beyond a general indication of the proposed colour. Consequently, in the interests of the visual appearance of the development it is necessary to impose a condition requiring samples of these materials to be submitted to the Council for approval.
76. The proposed dwelling on Plot 46 is the only new dwelling which would be located adjacent to existing houses. In order to meet the requirements of Core Strategy Policy DC1 to minimise the effect on the living conditions of nearby properties, it is necessary to impose a condition requiring that the first floor window in the elevation of the new dwelling is fitted with a suitable level of obscure glazing and maintained as such.
77. In order to ensure that the site is developed in a manner that does not compromise highway safety, provides accesses and connection points for pedestrians and cyclists at an appropriate time, and minimises the effect on the living conditions of existing residents, it is necessary to include a condition requiring that a Phasing Plan for the development be submitted for approval.
78. To ensure that the estate roads, footpaths and footways and adoptable open spaces are constructed to the correct specification, it is necessary to attach a condition requiring fully detailed drawings of these are submitted for approval as these details were not included with the application.
79. In the interests of highway safety on the A1043, it is necessary that the proposed temporary site access is assessed through a road safety audit. I am advised that this has been partly undertaken, and the condition requires this to be completed.
80. A number of the paths within the proposed open space area are proposed as future Public Rights of Way footpaths⁹. A condition has been suggested that requires the submission for approval by the planning authority of a Public Rights of Way Dedication plan or plans to be submitted to the Council for approval showing the phasing, proposed signage and furniture, structures, construction details and maintenance arrangements. The condition would require the development to be implemented in accordance with these details. The condition further requires that within 6 months of the commencement of the development a draft Dedication Agreement for the Public Rights of Way is to be submitted to the Highway Authority. Core Strategy Policy CS4 expects new development to promote a healthy community and reduce or minimise reliance on the private car and the provision of new Rights of Way, along with other measures proposed in the Travel Plan would secure compliance with this Policy.

⁹ Shown on Drawing Number: NUN-GBR-014 Revision F

81. Most of the aspects of this condition are therefore necessary in order to meet the requirements of Policy CS4. However, the final clause requiring the submission of a draft Dedication Agreement to the Highway Authority is problematic. The Planning Practice Guidance sets out that a positively worded condition which requires the applicant to enter into a planning obligation under section 106 of the Town and Country Planning Act 1990, or an agreement under other powers, is unlikely to pass the test of enforceability.
82. Whilst a new Public Footpath can be created by agreement, those provisions sit within Section 25 of the Highways Act 1980 or, in the alternative, Section 38 of the Highways Act 1980 makes provision for a person to offer a highway for adoption by the Highway Authority. The suggested wording of the condition effectively requires the developer to enter into such an agreement. As such the final clause runs counter to the Planning Practice Guidance. As set out previously in this decision,¹⁰ a planning condition requiring land to be dedicated as a highway would be *ultra vires*.
83. The majority of the suggested condition would meet the relevant tests in the Framework and the Planning Practice Guidance in that it requires a design to be submitted and then implemented. The final requirement of the condition would, however, not be lawful, and I have consequently amended the wording to omit this. This is not to say that the proposed paths should not in due course become Public Rights of Way. The UU contains a clause that confirmation that the link would be offered for adoption is provided. It is open to the appellant to enter into an agreement under Section 25 of the Highways Act or, alternatively, include the paths in question in any subsequent Section 38 Agreement for the adoption of the roads within the development as highways maintainable at the public expense. Equally, if the ownership of the open space is transferred to the Council at the end of the required maintenance period the Council itself could dedicate the routes as Public Footpaths. It is simply a matter that this cannot be required by a planning condition.
84. Parts of the site are identified as being at risk of flooding and the development of the site has the potential to reduce flood water storage capacity. It is therefore necessary to impose a condition requiring that the development be implemented in accordance with the mitigation measures set out in the submitted Flood Risk Assessment.
85. In order to ensure that the site is properly drained, ensure that there is separation of foul water and surface water discharges, and that these are discharged to the correct locations, it is necessary to attach a condition requiring that the submitted drainage strategy is implemented.
86. The appeal site is located next to an active railway line that has the potential to give rise to intrusive noise at some of the new dwellings. To ensure that suitable living conditions are provided for the future occupiers of the dwellings, it is necessary to impose a condition that requires the development to be implemented incorporating the mitigation measures set out in the submitted noise assessment.
87. Similarly, the site is located next to the A1043 road which also has the potential to give rise to intrusive noise at some of the new dwellings. Although a general specification and position of an acoustic fence is included in the application, in the

¹⁰ See Paragraph 31 *ante* and Footnote 3.

interests of the appearance of the development and the outlook from the properties that it would be located in proximity to, it is necessary that the full details of this noise barrier be submitted for approval.

88. The proposal includes the planting of new trees. In the interests of the visual appearance of the development and to ensure that the tree planting becomes established, it is necessary to include a condition requiring the replacement of any new tree that dies, is removed, uprooted or destroyed, or becomes seriously damaged or defective.
89. There are a number of established hedgerows on the site boundaries which are to be retained as part of the development. In the interests of the appearance of the development and to preserve the ecological value of these established hedges, it is necessary to impose a condition requiring their retention and protection during the construction period and the rectification of any damage to them that may occur during the construction period.
90. Due to the presence of protected species at the site and the requirements to make ecological enhancements where possible as expected by Core Strategy Policy CS4 it is necessary to include a condition that requires that agreed mitigation and enhancements be implemented as part of the development.
91. The Council have suggested a number of conditions that purport to remove various permitted development rights afforded by the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). These specifically relate to replacement doors and windows, new and approved means of enclosure, front and side extensions, conversion of garages, provision of hardstandings, and means of access to the highway. Paragraph 55 of the Framework makes it clear that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. This is re-iterated by the Planning Practice Guidance¹¹ which states that area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. The Planning Practice Guidance also sets out that the scope of conditions removing national permitted development rights needs to be precisely defined, by reference to the relevant provisions in the GPDO, so that it is clear exactly which rights have been limited or withdrawn.
92. The reason given for the proposed imposition of these conditions is “To adequately control the level of development on the site to a degree by which the principle of the permission is based, to protect the visual amenity of the area and in the interests of resident’s amenity having regard for policies CS4, CS5, DC1, the Nunthorpe Grange Design Code and section 12 of the NPPF”.
93. None of the suggested conditions refer to a specific Part or Class of Schedule 2 to the GPDO or a particular paragraph of Chapter 12 of the Framework. Core Strategy Policies CS4, CS5 and DC1 although they refer to development being required to achieve a high standard of design make no mention of the development being retained as built. Nor do they refer to the removal of permitted development rights, or any circumstances where it would be sought to do so.

¹¹ Planning Practice Guidance – Use of Planning Conditions Paragraph: 017 Reference ID: 21a-017-20190723

94. In addition to this, the suggested conditions which purport to remove permitted development rights for replacement doors and windows, the conversion of garages to habitable rooms and which require the retention of the means of enclosure which are approved as part of the original permission do not relate to any permitted development that is defined in Schedule 2 of the GPDO. Arguably, these actions may not be development at all having regard to the definition of development in Section 55 of the Town and Country Planning Act 1990 and the exceptions set out in Section 55(2). Whether such works would only affect the interior of the building or would materially affect the external appearance of the building would be a matter of fact and degree in each particular case.
95. Although the Framework also sets out that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme, it does not go so far as to require that elements of the development should remain unchanged over its lifetime.
96. I am mindful that the appeal site is subject to a Design Code that is intended to deliver a development of a certain standard of design. Nevertheless, the Design Code states that it is intended to ensure that a high quality development is created at design stage which is then retained throughout the approval and construction process. It does not mention removal of permitted development rights to constrain future changes.
97. Small, incremental, changes over time would inevitably alter the appearance of an area. However, those changes are not inevitably harmful and, ultimately, the character of an area is the result of the evolution of its built form. Whilst they are no doubt well-intentioned, the suggested conditions do not have any basis in policy, some seek to prevent works that may not fall within the definition of development and the remainder are not sufficiently clear with regard to which parts of the GPDO they seek to suspend the operation of.
98. From the evidence before me I do not find that there is a clear justification for imposing those conditions and have, therefore, omitted them.

Conclusion

99. I have found that subject to the legal agreements and undertakings and the imposition of planning conditions, the proposed development would comply with the relevant requirements of the development plan for the area. No material considerations have been identified which would indicate that a decision should be made other than in accordance with the development plan.
100. For the above reasons, I therefore conclude that the appeal should be allowed.

John Dowsett

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Paul Cairnes KC	Advocate for the appellant
Joe Smith	Savills
Neil Morton	Savills
Darran Kitchener	Milestone Transport Planning Ltd.
Richard Holland	Persimmon Homes

FOR THE LOCAL PLANNING AUTHORITY:

Shelley Pearman	Principal Planner Middlesbrough BC
Andrew Glossop	Development Control Manager Middlesbrough BC
Ryan Howard	Solicitor Middlesbrough BC
Simon Thompson	Transport Development Lead Middlesbrough BC

INTERESTED PARTIES:

Adrian Walker	Nunthorpe Parish Council
Bill Wells	Local Resident
Glyn Markley	Local Resident
David Swales	Local Resident

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Schedule of Approved Plans attached to this decision.
- 3) Prior to the commencement of the development on site, a detailed method of works statement shall be submitted to, and approved in writing by, the Local Planning Authority. Such statement shall include at least the following details;
 - (i) Routing of construction traffic, including signage where appropriate;
 - (ii) Arrangements for site compound and contractor parking;
 - (iii) Measures to prevent the egress of mud and other detritus onto the public highway;
 - (iv) A jointly undertaken dilapidation survey of the adjacent highway;
 - (v) Programme of works; and,
 - (vi) Details of any road/footpath closures as may be required.

The development shall be carried out in accordance with the approved details.

- 4) Prior to the commencement of the development on site, a detailed surface water drainage scheme (design and strategy) shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be designed, following the principles as outlined in the Flood Risk Assessment, reference no. 18134.100/FRA/1 version 6, dated November 2018, and Drainage Statement, reference no. 18134.200/DS/1 version 8. The development shall be completed in accordance with the approved scheme.

The design of the drainage scheme shall include but not be limited to:

- (i) The surface water discharge from the development must be limited to a Greenfield run off rate (Qbar value) with sufficient storage within the system to accommodate a 1 in 30 year storm.
- (ii) The method used for calculation of the existing greenfield run-off rate shall be the Interim Code of Practice for Sustainable Drainage Systems method.
- (iii) The design shall ensure that storm water resulting from a 1 in 100 year event, plus climate change surcharging the system, can be stored on site with minimal risk to persons or property and without overflowing into drains, local highways or watercourses.
- (iv) Provide an outline assessment of existing geology, ground conditions and permeability.
- (v) The design shall take into account potential urban creep.
- (vi) The flow path of flood waters for the site as a result on a 1 in 100 year event plus climate change (Conveyance and exceedance routes).

- 5) Prior to the commencement of the development on site, details of a Surface Water Drainage Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority.

The Management Plan shall include:

- (i) A build program and timetable for the provision of the critical surface water drainage infrastructure.
- (ii) Details of any control structure(s) and surface water storage structures.
- (iii) Details of how surface water runoff from the site will be managed during the construction Phase.
- (iv) Measures to control silt levels entering the system and out falling into any watercourse or public sewer during construction.

The development shall, in all respects, be carried out in accordance with the approved Management Plan.

- 6) Prior to the commencement of development on site, a full and competent site investigation including risk assessment shall 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 shall 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 approved were completed and that the site is suitable for its intended use.

- 7) Prior to the commencement of the development on site a Waste Audit must be submitted to, and approved in writing by, the Local Planning Authority. The Waste Audit must identify the amount and type of waste which is expected to be produced by the development both during the site clearance, construction phases and once it is in use. The Audit must set out how this waste will be minimised and where it will be re-used on site.

The development shall thereafter be undertaken in complete accordance with the approved Waste Audit.

- 8) Prior to the commencement of construction of each phase of the development, a scheme showing full details of both hard and soft landscape works and a programme of works shall be submitted to, and approved in writing by, the local planning authority and these works shall be carried out on site as approved.

Details must include all services and physical entities that would impact on landscaping. These details shall include but are not limited to: footpath and cycleway links; proposed finished levels or contours; means of enclosure and boundary treatment; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials, minor artefacts and structures (e.g.; furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g.; drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass

establishment); schedules of plants, noting species, plant sizes and proposed numbers, densities where appropriate; implementation programme.

- 9) Prior to the commencement of the development on site the following shall be submitted to, and approved in writing by, the local planning authority:
- (i) 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.
 - (ii) 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.
 - (iii) Details of any proposed topping or lopping of any retained tree or of any tree on land adjacent to the site.
 - (iv) 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.
 - (v) 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.

The development shall thereafter be carried out in accordance with the details approved under (iii), (iv), and (v) above and the development shall not commence until the tree protection measures approved under (v) have been implemented.

- 10) Prior to the commencement of the development on site, a Construction Environmental Management Plan (CEMP) to ensure waterbodies nearby are protected during construction shall be submitted to, and approved in writing by, the local planning authority. This shall include the following as a minimum:
- Sediment Management plan: The Sediment Management Plan should describe how works will be undertaken to reduce the release of fine sediments and minimise the transport of material downstream. The plan should describe the monitoring that will be completed as part of the plan.
 - Biosecurity plan: The biosecurity plan should detail biosecurity and invasive non-native species (INNS) management best practice, utilising the check-clean-dry procedure across the site. The biosecurity plan should also identify specific actions and mitigation for known INNS. In addition, a procedure should be outlined in the event of new INNS being discovered whilst on site; in the event of which a strategy for containment and removal should be enacted.
 - Pollution Prevention Plan: to include spill procedures and pollution response.
 - Vegetation clearance, habitat and tree protection plan.
 - Protected Species Protection Plan.

Thereafter, the development shall be carried out in accordance with the approved CEMP.

- 11) No dwelling to which this planning permission relates shall be occupied unless or until the carriageway base course 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.

- 12) No part of the development hereby approved shall be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) associated with that plot/use have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.
- 13) The development hereby permitted shall not be occupied until the highway works detailed below have been carried out on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
 - a) provision of a lit footway/cycleway link of minimum width of 2m linking Nunthorpe Gardens to the internal site infrastructure.
- 14) The development shall not be occupied until a Management & Maintenance Plan for the surface water drainage scheme has been submitted to, and approved in writing by, the Local planning Authority; the plan shall include details of the following:
 - (i) A plan clearly identifying the arrangements for the adoption of the surface water system by any public authority or statutory undertaker (i.e. s104 Agreement) and any other arrangements to secure the operation of the scheme throughout its lifetime.
 - (ii) Arrangements for the short and long term maintenance of the SuDS elements of the surface water system.
- 15) The dwellings/buildings hereby approved shall not be occupied until details of compliance with 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 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%.
- 16) A Landscape Management Plan(s) covering the relevant phase(s) of development, including long term objectives, management responsibilities and maintenance schedules in perpetuity for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the first occupation/use of a building, or within 12 months of commencement of works on the relevant phase(s) of the development to which it relates, whichever is the sooner. Thereafter the Landscape Management Plan must be implemented on site.
- 17) Notwithstanding the details set out in the approved drawing Materials Layout, drawing no. NUNGBR-002 rev. H, prior to the construction of the external elevations of the buildings hereby approved samples of the external finishing materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

- 18) First floor windows on the northwest elevation of plot 46 hereby approved must be opaque glazed to a minimum of level 3. The opaque glazing must be implemented on installation and retained in perpetuity.
- 19) The development shall be carried out in accordance with a phasing plan to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction (excluding site clearance). The phasing plan shall include the build route and the creation and use of access points including roads, footpaths, cycle paths and bridleways.
- 20) 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. The development shall be carried out in accordance with the approved details.
- 21) A full 4 stage road safety audit carried out in accordance with guidance set out in the DMRB GG119 and guidance issued by the council, will be required for the temporary site access junction and associated works as specified in submitted drawing(s) Planning Layout, Drawing no. NUN-GBR-001 rev. Y or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority. Stages 3 and 4 of said audit shall be submitted to, and approved in writing by, the Local Planning Authority prior to work on the temporary site access commencing on site. Any remedial works required within the audit shall be implemented within 6 months following the remedial works being identified and agreed.
- 22) Notwithstanding the details in the approved Public Right of Way Plan, drawing no. NUN-GBR-014 rev. F, within 6 months of commencement of the development hereby approved, a Public Rights of Way Dedication plan(s) to a scale of 1:200 showing the following information must be submitted to and approved in writing by the Local Planning Authority.
 - Phasing Plan
 - Signing and furniture i.e. Stiles and Gates
 - Structures i.e. Bridges and Boardwalks
 - Construction Details
 - Maintenance PlanThereafter the development must be carried out in full accordance with the approved details.
- 23) The development hereby approved shall only be carried out in accordance with the Flood Risk Assessment, reference no. 18134.100/FRA/1 version 6 dated November 2018, received 26th July 2022 and the following mitigation measures detailed within the FRA;
 - (i) Finished floor levels shall be set no lower than 0.3 metres above Ordnance Datum (AOD);
 - (ii) No buildings used for dwelling houses shall be in flood zones 2 or 3 as shown in appendix B;
 - (iii) No loss of capacity of the floodplain – through any means including ground raising.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

- 24) The development hereby approved shall be implemented in line with the drainage scheme contained within the Drainage Statement document, reference no. 18134.200/DS/1 version 4. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 0805 and ensure that surface water discharges to the existing watercourse.
- 25) The development hereby approved shall be carried out in accordance with the Assessment of Noise and Vibration Levels and Noise Amelioration Measures, Report no. LAE1045.1, dated 8th July 2020. Any deviations from the recommendations made in the report shall be submitted to the local planning authority for approval prior to the occupation/first use of the dwellings/buildings 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.
- 26) Notwithstanding the details set out in Boundary Treatment Layout, drawing no. NUN-GBR-004 rev. Y; Site Sections, drawing no. NUN-GBR-SEC-001, rev. A; and, Jakoustic Commercial and Highway Barrier System details, received on 27th July 2022, prior to the erection of the noise attenuation fence full details of the design and appearance of the fence to be installed along the boundary with the A1043 must be submitted to, and approved in writing by the Local Planning Authority. The mitigation must be suitable to achieve the necessary noise levels as set out in the Noise and Vibration Levels and Noise Amelioration Measures, Report no. LAE1045.1, dated 8th July 2020, but must also be high quality in terms of its visual appearance.
- 27) 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.
- 28) 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 of such notification a scheme of remedial action, including timetable for implementation shall be submitted to the local planning authority for written approval. 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.

- 29) The recommendations/mitigation measures/Wildlife Enhancement Plan as set out in the documents detailed below must be carried out on site in accordance with a programme of works to be submitted to and approved in writing by the Local Planning Authority:
- a) Ecology Masterplan, reference no. 101.53 rev. 01 dated November 2021
 - i. Wildlife Enhancements detailed in section 2
 - b) Preliminary Ecological Appraisal, reference no. 101.53 rev. 01, dated October 2018;
 - i. Recommendations detailed in section 4.2
 - c) Bat and Great Crested Newt eDNA Survey, reference no. 101.53 rev. 01, dated July 2019
 - i. Mitigation Strategy and Compensation Strategy section 4.2.2.
 - d) Great Crested Newt Survey Report, reference no. 101.53 rev. 01, dated July 2021;
 - i. Recommendations section 4.2; and,
 - ii. Great Crested Newt Mitigation and Compensation Strategy section 4.3
 - e) Quants Environmental Letter dated 8th June 2020 re. Great Crested Newt Survey; and,
 - f) Additional Information – GCN, reference no. 101.53 dated 12th March 2021.
- Thereafter the mitigation/enhancement works shall be retained on site in perpetuity.

Schedule of Approved Plans

Drawing number	Title
NUN-GBR-000 rev. A	Location Plan
NUN-GBR-001 rev. Y	Planning Layout
Bw_MADet_CtP_R21G 901 rev. C	The Barnwood – Detached, Proposed Plans, Construction
Bw_MADet_CtP_R21G 902 rev. C	The Barnwood – Detached, Compliance_Plans, Construction
Bw_MA-Det_CtP_R21G 905 rev. B	The Barnwood – Detached, Proposed Elevation – Contemporary, Construction
Ch_MADet_CtP_R21G 901 rev. B	The Charnwood – Detached, Proposed Plans, Construction
Ch_MADet_CtP_R21G 902 rev. B	The Charnwood – Detached, Compliance_Plans, Construction
Ch_MA-Det_CtP_R21G 905 rev. B	The Charnwood – Detached, Proposed Elevation – Contemporary
Gw_MADet_CtP_R21G 901 rev. B	The Greenwood – Detached, Proposed Plans, Construction
Gw_MADet_CtP_R21G 902 rev. B	The Greenwood – Detached, Compliance_Plans, Construction
Gw_MA-Det_CtP_R21G 904	The Greenwood – Detached, Proposed Elevation – Village, Construction
Bt_MA-Det_CtP_R21G901	The Brampton – Detached, Proposed Plans, Construction
Bt_MADet_CtP_R21G 902	The Brampton – Detached, Compliance_Plans, Construction
Bt_MA-Det_CtP_R21G 905	The Brampton – Detached, Proposed Elevation – Contemporary, Construction
Bs_MADet_CtP_R21G 901 rev. A	The Brightstone – Detached, Proposed Plans, Construction
Bs_MADet_CtP_R21G 902 rev. B	The Brightstone – Detached, Compliance_Plans, Construction

Bs_MA-Det_CtP_R21G 905 rev. B	The Brightstone – Detached, Proposed Elevation – Contemporary, Construction
Ke_MA-Det_CtP_R21G 901 rev. A	The Kennet – Detached, Proposed Plans, Construction
Ke_MADet_CtP_R21G 902 rev. B	The Kennet – Detached, Compliance_Plans, Construction
Ke_MADet_CtP_R21G 905	The Kennet – Detached, Proposed Elevation – Traditional, Construction
HeD_MA_Det_R21 901	The Hendon – Detached, Proposed Plans, Construction
HeD_MA_Det_R21 902	The Hendon – Detached, Compliance Plans, Construction
HeD_MA_Det_R21 907	The Hendon – Detached, Proposed Elevation – RS-Nunthorpe, Construction
TuN_MA_Det_R21 201	The Turnberry – Detached, Ground Floor GA Plan, Construction
TuN_MA_Det_R21 210	The Turnberry – Detached, First Floor GA Plan, Construction
TuN_MA_Det_R21 907	The Turnberry – Detached, Proposed Elevation – RS-Nunthorpe, Construction
HeY_MA_Det_R21 901	The Heysham – Detached, Proposed Plans, Construction
HeY_MA_Det_R21 902	The Heysham – Detached, Compliance Plans, Construction
HeY_MA_Det_R21 907	The Heysham – Detached, Proposed Elevation – RS-Nunthorpe, Construction
BaR_MA_Det_R21 901	The Barmouth – Detached, Proposed Plans, Construction
BaR_MA_Det_R21 902	The Barmouth – Detached, Compliance Plans, Construction
BaR_MA_Det_R21 907	The Barmouth – Detached, Proposed Elevation – RS-Nunthorpe, Construction
OxW_MA_Det_R21 901	The Oxwich – Detached, Proposed Plans, Construction
OxW_MA_Det_R21 902	The Oxwich – Detached, Compliance Plans, Construction

OxW_MA_Det_R21 907	The Oxwich – Detached, Proposed Elevation – RS-Nunthorpe, Construction
WiT_MA_Det_R21 901	The Walcott – Detached, Proposed Plans, Construction
WiT_MA_Det_R21 902	The Walcott – Detached, Compliance Plans, Construction
WiT_MA_Det_R21 907	The Walcott – Detached, Proposed Elevation – RS-Nunthorpe, Construction
SGD-06	Single Garage Store – Plans and Elevations
SGD-01, rev. B	Single/Double Garage – Plans and Elevations
NUN-GBR-002 rev. H	Materials Layout
NUN-GBR-004 rev. Y	Boundary Treatment Layout
NUN-GBR-014 rev. F	Public Right of Way Plan
NUN/GBR/007 rev. A	Link Foot Path
18134-D100 rev. 4	Levels Plan Sheet 1 of 3
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18134-D102 rev. 5	Levels Plan Sheet 3 of 3
PS1080-001	Topographical Survey
PS1080-002	Topographical Survey
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18134-D900 rev. 2	Flood Exceedance Plan
18134-D901 rev. 1	Pumping Station Details
156414/8001	Landscape Proposals Plan
101.53 rev. 01	Ecology Masterplan
GTC-E-SS-0011_R1-8_1_of_1	Close Coupled Substation, Front Gabled Roof Detail, General Arrangement
NUN-GBR-SEC-001, rev. B	Site Sections
	Jakoustic Commercial and Highway Barrier System details

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Appeal Decision

Site visit made on 8 July 2025

by **L Clark BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th July 2025

Appeal Ref: APP/W0734/W/25/3364178

99 York Road, Middlesbrough TS5 6LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Mansour against the decision of Middlesbrough Borough Council.
- The application Ref is 25/0013/VAR.
- The application sought planning permission for porch to front, two roof lights to rear and retrospective removal of chimney without complying with a condition attached to planning permission Ref 23/0259/FUL, dated 29 June 2023.
- The condition in dispute is No 3 which states that: 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) Proposed plans 002 Rev A, received 19 June 2023 b) Location plan 003, received 9 May 2023 c) Site plan 004, received 16 May 2023.
- The reasons given for the condition is: To ensure a satisfactory form of development and for the avoidance of doubt.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. It was apparent during my site visit that the construction on site had commenced, and the porch was substantially complete. Any breaches of planning control do not fall within my assessment of the appeal scheme, which has been decided on the basis of the existing and proposed plans that were submitted with the planning application and considered and consulted upon by the Council.
3. The appellant has stated that the larger porch and door position now complies with Building Regulations and would assist in enabling wheelchair access to the property for an occupant or visitor, and an enlarged area where shoes can be removed in accordance with the Muslim faith and traditions. In accordance with the Public Sector Equality Duty (PSED), I have taken this into account in determining this appeal.
4. The Council considered it necessary that I visit the neighbouring property 101 York Road (No 101), to assess the impact of the porch on the living conditions of its occupants. However, as the Council stated that the front door and small window to the front of No 101 relate to a hallway, and as I was able to see the porch and its relationship with the bay window to No 101 from the pavement, I did not require access to the property and undertook my visit unaccompanied.
5. There is dispute between the parties with regard to the overall height of the porch. I note that the appellant contends that the height was reduced during the course of the planning application to vary the condition, from 3.16 metres to 3 metres;

however, the Plan in Appendix E omits the overall height of the porch. I acknowledge the Proposed Front Elevation that there is a change to the roof; however, it is unclear whether there has been a lowering of the overall height. The appellant's contention that the overall height had been reduced is therefore not supported by demonstrable evidence. I have taken the overall height to be approximately 3.15 metres as stated by the Council.

Background and Main Issues

6. In 2023 planning permission was granted, subject to a number of conditions, for a porch to the front, two roof lights to the rear and retrospective removal of the chimney. The planning permission included condition 3, which specified the approved plans. The proposal seeks the removal of condition 3 and its replacement with a condition specifying the plans that reflect an amended design to allow for an enlarged overall footprint, a repositioned entrance door from the side to the front and the reduction in the size of the window to the front.
7. Whilst the original application relates to a porch to the front, two roof lights to the rear and the removal of a chimney, the evidence before me indicates that the application seeks to vary only the porch, and I have no reason to take a different view. To my mind, the Council does not dispute the repositioning of the door, and from observations on site, I see no reason to disagree. The dispute between the parties relates to the design and size of the porch, and this shall be the focus of my assessment.
8. The main issues are the effect that varying the condition would have on a) the character and appearance of the host property and the immediate surroundings, and b) the living conditions of the existing occupiers within No 101, with particular regard to daylight, sunlight and outlook.

Reasons

Character and appearance

9. The appeal property (No 99) is a modest-sized two-storey, semi-detached property situated within a predominantly residential area. Its adjoining property (No 101) has bay windows to the ground and first floor set on the opposing sides to No 99. Bay windows of varying designs are also present to the majority of other properties on York Road. The presence of these features creates a visual balance to the semi-detached properties and a rhythm within the immediate surroundings.
10. Middlesbrough's Urban Design Supplementary Planning Document (SPD) provides guidance on, amongst other matters, porches. It acknowledges that the addition of a porch can substantially affect the character of a street and states that where a porch requires planning permission, it should meet design criteria a) to d).
11. The porch has been constructed measuring approximately 2.45 metres in width by approximately 1.75 metres in projection. Its width now extends closer to the bay window of the host property, and its projection is now further from the front elevation.
12. The appellant does not dispute that the floor area exceeds that identified in Criterion d) of the SPD, or that the porch has no architectural merit. Whilst the approved porch may have exceeded the building line set by the bay windows, and the current porch is set approximately 2.4m from the pavement, even if the overall

height was 3 metres, the footprint and therefore its overall massing is significantly larger.

13. The porch dominates the front elevation of No 99 and disrupts the balance between Nos 99 and 101. Its presence also erodes the rhythm of the front elevations to properties within the immediate surroundings.
14. For the reasons given above, I find that varying the condition would be harmful to the character and appearance of the host property and the immediate surroundings. Accordingly, there would be conflict with Policies DC1 and CS5 of Middlesbrough Local Development Framework, Core Strategy 2008 (Local Plan). These collectively seek to ensure that development demonstrates a high quality of design in terms of, amongst other matters, character and appearance of the area and ensuring that it is well integrated with the immediate and wider context. There would also be conflict with the SPD.

Living Conditions

15. I have no substantive evidence from either party to demonstrate light levels of No 101. Notwithstanding this, the Council do not dispute that the door and window are associated with its hallway. In my mind, a hallway is not habitable accommodation and, therefore, the focus of my assessment is on its ground-floor bay window, which is likely to be habitable.
16. At the time of my site visit (late morning), whilst the sun was shining and there was very little cloud cover, the fronts of both Nos 99 and 101 were in shade. Photographs within the appellant's statement show a porch of similar dimensions to that before me. Whilst I have no date or time when these photographs were taken, they do show the front of both properties predominantly in sun, with the front door and hallway window of No 101 in shade, and some shading to the ground-floor bay window. Given the distance of the bay window from the porch, together with the orientation of No 101 to the appeal site, and without any evidence to demonstrate to the contrary, it is unlikely that the porch would significantly reduce the levels of daylight or sunlight to harm the living conditions of the existing occupants.
17. With regard to outlook, the flank wall closest to No 101 is blank and, from the evidence before me, projects further than the approved porch. I acknowledge that the porch would be visible from within No 101 when standing either in or close to the ground-floor bay window. However, given the above, together with the closest windowpane in the bay window which faces the porch being set at an oblique angle, and the bay window having two other windowpanes which provide alternative views, it is unlikely that the porch would significantly harm the outlook for the existing occupants of No 101 from within the ground floor.
18. For the above reasons, I conclude that varying the condition would not have a harmful effect on the living conditions of No 101. It is therefore acceptable in terms of daylight, sunlight and outlook, and there is no conflict with Policies DC1 and CS5 of the Local Plan. These collectively seek to ensure that the effect upon the amenities of occupiers of nearby properties is minimal after completion. There would also be no conflict with the SPD insofar as it seeks to ensure that windows of neighbouring properties do not become dominated by any extension and their daylight is not obstructed.

Other Matters

19. I note that the Council refer to the porch harming the outlook for occupants of the appeal property. Given that I am dismissing the appeal for other reasons, I have not needed to consider this matter further.
20. My attention has been drawn to several paragraphs in the Framework; however, no compelling evidence has been advanced to convince me that the approved scheme would not result in similar benefits.
21. Although my attention has been drawn to paragraph 11 of the Framework, there is no part of the appellant's case which points to policies being out of date. As such, this decision falls to be determined within a normal planning balance.
22. Whilst the porch would provide weather protection to the entrance door, and its construction is from materials that closely match those of the host property, I have nothing before me to demonstrate that this is any different to the approved scheme.
23. I note that there would have been some economic benefits during its construction; however, given that it is substantially completed, I attach limited weight to the benefit of this. Furthermore, the lack of objections or whether the appeal site is situated in a sustainable location does not equate to a lack of harm.
24. Furthermore, I understand that the appellant did not intend to undertake development that required planning permission. However, this does not outweigh the harm that I have identified above.

Planning Balance and Conclusion

25. I have had due regard to the PSED, contained in section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include, amongst other matters, a person's religion.
26. I find that varying the condition could provide the opportunity to advance its aims by meeting the needs of the appellant through the repositioning of the door, the creation of a wider entrance, and providing an enlarged area where shoes can be removed in accordance with the Muslim faith and traditions. However, this is set against the need to safeguard the character and appearance of the host property and its immediate surroundings, which has not been demonstrated. In my judgement, dismissal of the appeal is a necessary and proportionate response and would not result in any violation of the rights of the individuals concerned.
27. For the reasons set out above, the proposal conflicts with the development plan taken as a whole. There are no other material considerations which indicate that the decision should be made other than in accordance with the development plan. I conclude that the appeal should be dismissed.

L Clark

INSPECTOR



Appeal Decision

Site visit made on 2 July 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 August 2025

Appeal Ref: APP/W0734/W/25/3360074

Land off Stokesley Road, Nunthorpe, Middlesbrough

Grid Ref Easting: 453763; Grid Ref Northing: 514247

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Thornfield Gospel Hall Trust against the decision of Middlesbrough Council.
 - The application Ref is 24/0190/MAJ.
 - The development proposed is gospel hall with ancillary car parking and landscaping.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would have an acceptable effect on the character and appearance of the area; and
 - whether the proposed development would lead to harmful effects on highway safety or the function of the public highway.

Reasons

Character and appearance

3. The appeal site is a vacant parcel of land adjacent to Poole Roundabout and bound by Stokesley Road and the A1043. It lies at the southern edge of 'Nunthorpe Grange', which is allocated to provide a residential-led extension to the existing community of Nunthorpe. The site sits between the planned development area and open countryside to the south. The site is partially screened by hedgerows and trees to the south and west, although this screening is seasonal and may be limited in effectiveness during winter months. The site is fully exposed to views from the adjacent medical centre and development land to the north.
4. The proposed Gospel Hall would serve the Plymouth Brethren, a Christian group with an established local congregation currently based at premises on Gypsy Lane in Nunthorpe. The development is intended to accommodate the needs of the growing congregation, as their existing facility is reportedly no longer sufficient in size or suitability to meet their requirements.
5. Policy H29 of the Middlesbrough Housing Local Plan, Housing Core Strategy and Housing Development Plan Document, adopted November 2014 (the HLP) relates to land at Nunthorpe, south of Guisborough Road, which includes the appeal site.

The policy seeks to deliver residential-led development of up to 250 dwellings, with the design process expected to take account of the topography, features and views of the site.

6. Alongside Policy CS5 of the Middlesbrough Local Development Framework Core Strategy, adopted February 2008 (the CS), these policies collectively promote a design-led approach to development. Policy CS5 specifically requires all development proposals to demonstrate a high standard of design in terms of layout, form, and contribution to the character and appearance of the area.
7. Whilst the Nunthorpe Grange Design Code, adopted 2019 (the DC), and the guidance in the Nunthorpe Design Statement Supplementary Planning Document, adopted September 2011 (the NDS) are not a formal part of the development plan, they are a material consideration in the determination of planning applications and are key to delivering the objectives of the development plan. The DC and NDS provide detailed guidance on layout, connectivity, landscape integration, architectural detailing, and public realm design, thereby ensuring that development proposals align with the strategic vision and policy requirements for the area.
8. The proposed Gospel Hall would have a substantial footprint, a prominent dual-ridged roof, and a large car park. Collectively, the development would introduce a visually dominant and utilitarian structure into a location identified in the DC as a key gateway. The building's scale, massing, and lack of architectural articulation would result in a stark and incongruous form, particularly when viewed in the context of the surrounding and emerging residential character.
9. The DC and NDS both emphasise the importance of contextual design that reflects the local vernacular and landscape setting, to minimise the visual impact of roads and parking, to create a welcoming, green, and pedestrian-friendly environment, and for development to include high-quality materials and architectural detailing. Whilst the principle of a community use is not precluded by the DC, the NDS or the development plan, the proposal fails to meet the high design expectations set out by these provisions.
10. The appellant argues that the simple design reflects the religious ethos of the Plymouth Brethren and that landscaping will mitigate visual impacts. Whilst the DC does not preclude simplicity or contemporary design, it requires that all development, regardless of use, be of high quality and integrated into the wider vision for Nunthorpe Grange. The proposed building's blank elevations, minimal glazing, and industrial appearance do not reflect the high-quality, contemporary, and contextually sensitive development envisaged for this location.
11. Nearby existing development includes residential development, the health centre, and a pub/restaurant on the opposite side of the Poole Roundabout, which collectively incorporate varied materials, glazing and articulated form. In contrast, the proposed Gospel Hall would appear as an isolated and institutional structure.
12. Although the facility would not be in daily use, the appellant has indicated that it would be used regularly for a range of meetings and gatherings. I accept that the building would serve an active and growing congregation, and that its use would be meaningful to those attending. However, in the context of the wider Nunthorpe Grange development, which is intended to foster a vibrant, residential-led community with active frontage and public realm, the limited frequency of use does not justify the scale, layout, and utilitarian design of the building and its extensive

car park. The intermittent nature of activity on the site would result in long periods where the building and car park appear inactive, which would detract from the character and appearance of the area and undermine the design-led principles set out in the development plan and supporting guidance. Whilst landscaping is proposed to screen the development, this would take time to establish and may be seasonal, and I am not persuaded it would be sufficient to mitigate the development's adverse visual effects.

13. For the reasons given above, I conclude that the proposed development would harm the existing and planned character and appearance of the area. It would fail to accord with CS Policies DC1, CS4 and CS5, HLP Policy H29, as well as the provisions of the DC and NDS. Collectively, these policies and guidance seek to ensure development delivers high quality design that respects the character of the surrounding area and is of an appropriate scale and density for its location. It would also conflict with the relevant provisions of the National Planning Policy Framework (the Framework), which have similar aims.

Highway safety and functionality

14. A submitted Transport Statement and Travel Plan (TSTP) has assessed the proposed development's potential impact on highway safety and the surrounding road network. The Council's officer report and appeal statement raise concerns about the intensity of vehicle movements associated with large gatherings, particularly interchange meetings, and the adequacy of parking provision. However, the TSTP states that the proposed Gospel Hall would operate predominantly outside of weekday peak hours, with all scheduled meetings and occasional events taking place during off-peak periods. This significantly reduces the potential for conflict with general traffic flows.
15. The development includes a total of 284 on-site parking spaces, which exceeds the TSTP's maximum anticipated demand of 235 vehicles during interchange meetings and allows for future growth. The car park layout has been designed to accommodate efficient circulation, with wider bays and dedicated zones for late arrivals. A proposed access and parking management strategy includes the use of parking attendants to manage arrivals and departures, and to ensure vehicles promptly leave the public highway, minimising the risk of congestion or obstruction.
16. The TSTP includes a review of personal injury collision data, which revealed no patterns of concern or inherent safety issues in the local highway network. Visibility splays at the site access exceed minimum standards, and swept path analysis confirms that emergency and service vehicles could safely access and manoeuvre within the site.
17. The Local Highway Authority (LHA), in its consultation response, acknowledged that its recommendation was finely balanced, but ultimately concluded that the development could be considered acceptable, subject to a number of elements being secured by condition to ensure ongoing control and management. These include the implementation of a Construction Traffic Management Plan, a Travel Plan, and measures to manage parking and access during peak periods. In the context of Paragraph 116 of the Framework, which 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, following mitigation, would be severe, the LHA's views carry significant weight.

18. The TSTP outlines a strategy to maintain high car occupancy rates (currently averaging 3.4 persons per vehicle), promote walking for local members, and implement a special events management plan to ensure smooth operation during peak times. These measures align with the aims of CS Policies DC1, CS4, and CS18, which collectively seek to ensure safe, accessible, and sustainable development that does not adversely affect the operation of the highway network.
19. For the reasons given above, I conclude that the proposed development would not lead to harmful effects on highway safety or the function of the public highway. In respect of this issue, the proposal would therefore accord with Policies DC1, CS4, and CS18 of the CS, and the relevant provisions of the Framework.

Other Matters

20. A substantial number of representations were received in support of the proposed development, many from members of the Plymouth Brethren Christian Church. These comments highlight the Church's longstanding presence in Middlesbrough and its positive contribution to the local community, including charitable and outreach work. Supporters emphasised the inadequacy of the existing Gospel Hall on Gypsy Lane, citing insufficient seating and parking, and concerns for the safety and accessibility of elderly and disabled attendees. The proposed hall is viewed as a necessary and proportionate response to the congregation's growth, offering improved facilities and a safer, more inclusive environment. The relocation of the hall to the edge of Nunthorpe, closer to the strategic road network, is also seen as beneficial in reducing traffic through residential streets and alleviating congestion, particularly when hosting larger interchange meetings involving members from other congregations such as Leeds and Harrogate.
21. The appellant has drawn attention to the Framework's support for places of worship, particularly in terms of encouraging the retention and development of accessible community facilities. The appellant also contends that the proposed development has been designed to consider public safety in locations where large numbers of people congregate, and I broadly accept this position based on my findings on the main issue of highway safety and functionality.
22. The appellant also refers to the history of engagement with the Council, including meetings and correspondence over a ten-year period. It is stated that the site was provisionally sold by the Council to the Plymouth Brethren for the express purpose of constructing a new Gospel Hall. However, the minutes of meetings provided by the appellant appear to relate to a different site at Nunthorpe Grange Farm, Church Lane, which is located on the opposite side of the A1043 from the appeal site. Although these minutes indicate that senior officers were involved in discussions regarding the appellant's plans, they do not provide conclusive evidence of formal agreement specific to the appeal site.
23. Attention has been drawn to the Council's own proposals for a community building, which have been approved under a separate planning application. Although there may be some similarities between the two developments, each must be assessed on its individual merits, taking into account the specific planning considerations relevant to that proposal. In this case, my conclusions on the main issues reflect the specific considerations of the appeal scheme, particularly in relation to the

character and appearance of the area. Accordingly, the existence or approval of the community building does not alter my findings, nor does it justify a departure from the conclusions I have reached.

24. In relation to the Public Sector Equality Duty (PSED), the appellant argues that the Council failed to give due regard to the religious needs of the Plymouth Brethren, as required under Section 149 of the Equality Act 2010. It is noted that the officer's report made no reference to the Equality Act or the PSED, and the appellant contends that this omission reflects a failure to properly consider the impact of the decision on persons with protected characteristics.
25. In considering the PSED, I have had due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between persons who share a protected characteristic and those who do not. I acknowledge the appellant's concern that the officer report did not explicitly reference the Equality Act 2010 or the PSED, and I have taken this into account in my assessment. The Courts have established that the duty must be discharged with substance, rigour, and an open mind, and not merely as a procedural formality.
26. In this case, I have carefully considered the religious needs of the Plymouth Brethren, the limitations of their existing facility, and the benefits that the proposed development would offer in terms of increased capacity, accessibility, safety, and community cohesion. I attach significant weight to these benefits in the planning balance. However, I also find that the harm caused to the character and appearance of the area, particularly due to the scale, design, and limited integration of the proposal within its emerging residential context, would outweigh these benefits. I am satisfied that this conclusion is proportionate and that the duty under Section 149 has been properly discharged.
27. Taken together, I have given substantial weight to the harm identified in respect of the character and appearance of the area, which conflicts with the development plan, the Framework and supporting guidance. I have given significant weight to the benefits of the proposal in providing improved facilities for a recognised religious and community group, particularly in light of the limitations of their existing premises and the engagement of the PSED. I have also given moderate weight to the wider community support for the proposal and the potential reduction in traffic through residential areas. The absence of harm in respect of highway safety and functionality is a neutral factor in the planning balance. Nevertheless, collectively, these considerations do not outweigh the conflict with the development plan.

Conclusion

28. Although I have identified no harm in respect of highway safety or functionality, the proposal would conflict with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with the plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

P Storey

INSPECTOR

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