

## PLANNING AND DEVELOPMENT COMMITTEE

<b>Date:</b>	<b>Thursday 12th February, 2026</b>
<b>Time:</b>	<b>1.30 pm</b>
<b>Venue:</b>	<b>Mandela Room</b>

### AGENDA

#### 1. Welcome, Introductions 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 - 2 December 2025 3 - 6

#### 5. Schedule of Remaining Planning Applications to be Considered by Committee 7 - 108

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Item 1 - 2A Gypsy Lane Middlesbrough TS7 8NG – Page 9

Item 2 - Land at Nunthorpe Grange, Nunthorpe Bypass, Middlesbrough, TS7 0NG – Page 31

Item 3 - 19, Grange Crescent, Middlesbrough, TS7 8EA – Page 93

#### 6. Decisions made under Delegated Powers 109 - 114

#### 7. Weekly Update List - Applications Received 115 - 118

8. Planning Appeals 119 - 126

Appeal Decision - 14 Sorrel Court, Middlesbrough TS7 8RZ

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

Charlotte Benjamin  
Director of Legal and Corporate Services

Town Hall  
Middlesbrough  
Wednesday 4 February 2026

**MEMBERSHIP**

Councillors J Thompson (Chair), J Rostron (Vice-Chair), I Blades, D Branson, D Coupe, 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 728329/01642 727221, [Joanne\\_McNally@middlesbrough.gov.uk](mailto:Joanne_McNally@middlesbrough.gov.uk)/[keris\\_allan@middlesbrough.gov.uk](mailto:keris_allan@middlesbrough.gov.uk)**

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on Tuesday 2 December 2025.

**PRESENT:** Councillors J Thompson (Chair), J Rostron (Vice-Chair), D Branson, D Coupe, J Ryles and G Wilson

**ALSO IN**

**ATTENDANCE:** P Bianchi

**OFFICERS:** A Glossop, R Harwood, J McNally and K Allan

**APOLOGIES FOR ABSENCE:** I Blades, I Morrish and M Saunders

**25/42 WELCOME, INTRODUCTIONS AND FIRE EVACUATION PROCEDURE**

The Chair welcomed everyone to the meeting, introductions were made and the Fire Evacuation Procedure explained.

It was noted that a routine fire alarm test was scheduled to take place at 10.30.

**25/43 DECLARATIONS OF INTEREST**

Name of Councillor	Type of Interest	Item/Nature of Interest
Cllr David Branson	Non-Pecuniary	Agenda Item 5, Item 1 (11 Woodlea) Ward Councillor

**25/44 MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 6 NOVEMBER 2025**

The minutes of the meeting of the Planning and Development Committee held on 6 November 2025 were submitted and approved as a correct record.

**25/45 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.

**25/0455/FUL, 11, Woodlea, Middlesbrough, TS8 0TX, Retrospective reposition of front door to side, replacement of rear window with glazed double doors, and alterations to windows to side**

The Development Control Manager presented an application that sought part retrospective planning permission for several external alterations, including the repositioning of the front door to the side, the replacement of the rear window with glazed double doors, and alterations to the side windows.

The application site was a single-storey bungalow located at the end of a turning head on a cul-de-sac within the Woodlea estate, off Coulby Farm Way. It was within an established residential area comprising mainly two-storey detached dwellings, with some single-storey properties towards the western end. Dwellings were set back from the road, with Stainton Way to the north of the site.

The proposal involved alterations to the principal elevation, including removal of the front door and canopy, replacement with cream render across the elevation, and black composite cladding on the western half. A new bay window was proposed to replace the existing window, retaining a common design feature within the area. Additional changes included repositioning the side door, modifying side windows, and replacing the rear window with glazed French

doors. The design incorporated high-quality materials and modern features, with massing considered subservient to the plot. While black cladding was noted as uncommon within the estate, its inclusion was deemed acceptable to break up the render and maintain visual balance.

The proposal was in accordance with relevant design policies and was not expected to harm the character or appearance of the dwelling or street scene. Members noted that the application complied with national and local planning policies, including the National Planning Policy Framework (NPPF), Policy CS5: Design, Policy DC1: General Development, and the Middlesbrough Urban Design SPD (UDSPD).

Of 15 neighbour consultations, 11 responses were received, comprising 4 objections and 7 in support. Objections related to inaccuracies in the plans and references to white render rather than cream. Revised plans were submitted correcting directional labels and specifying cream render to match neighbouring dwellings. Some objectors expressed frustration with the consultation process; however, while letters were sent only to immediate neighbours, the process was open to all, and anyone could submit comments regardless of residence.

Members queried whether the proposed cladding would be painted and whether conditions could be imposed regarding this. The Officer advised that there was no existing condition to prevent painting, but an amendment to the recommendation could be proposed to include such a condition. It was noted that the cladding was plastic and therefore should not require painting, unlike timber cladding.

A further query was raised regarding whether planning permission was required for cladding, and the Officer confirmed that permission was necessary for alterations to the front of the property, including any material changes.

The Chair invited a resident to speak in support of the application, and the following key points were highlighted:

- The alterations were in accordance with both local and national planning policies.
- The amendments did not increase the building's footprint, ensuring the development would not dominate the street scene or adversely affect the character of the area.
- The use of high-quality materials, including cream render and modern fenestration, was consistent with contemporary design standards to modernise the property.
- Important architectural elements, such as the bay window, were retained and updated in a manner consistent with the design guidance set out in the Middlesbrough Urban Design SPD.
- While the black composite cladding was a modern addition, it served to break up what would otherwise have been a large expanse of render, contributing to a balanced and visually appealing frontage. The cream render aligned with finishes found on other properties in the estate.
- The alterations did not result in any loss of privacy or amenity for neighbouring properties. Side windows replaced existing ones and did not overlook primary windows of adjacent dwellings.
- Several neighbours had expressed support, highlighting the positive impact on the area's appearance, the desirability of modernisation, and the benefit to the community's long-term appeal.
- The work did not affect landscaping, trees, or access to the property.
- Other properties within the area had similar updates, which demonstrated that such changes were not out of character for the area.

Members sought clarification on how long the resident supporting the application had lived in the area, and it was confirmed that this had been 40 years.

It was also questioned whether the plans would result in the living room having more natural light, and it was confirmed that, whilst the resident could not speak on behalf of the applicants, a review of the plans indicated that this would be the case.

**ORDERED** that the application be approved, subject to the conditions detailed within the report.

The Development Control Manager 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).

**Agreed as follows:**

- **Members noted the information presented.**

**25/47 WEEKLY UPDATE LIST - APPLICATIONS RECEIVED**

The Development Control Manager submitted details of new planning applications that had been received on a weekly basis over the past 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 Development Control Manager advised that if Members felt that an application ought to be considered by the Committee, he should be advised accordingly.

Members queried the parking provision resulting from planning application 25/0565/FUL, which concerned the erection of a coffee shop at Park Way Centre. It was advised that full details could be obtained from the case officer.

**Agreed as follows:**

- **Members noted the information provided.**

**25/48 PLANNING APPEALS**

The Development Control Manager provided an update on various Planning Appeals that had been considered by the Planning Inspectorate.

Members sought clarification in relation to the purpose of the planning application reference APP/W0734/W/25/3369616, and it was confirmed this was to connect to the electrical grid during the night and put it back into the grid during the daytime.

**Agreed as follows:**

- **Members noted the information provided.**

**25/49 BIODIVERSITY NET GAIN**

The Development Control Manager provided an update on Biodiversity Net Gain (BNG). It was noted that, since 2 April 2024, BNG had become a mandatory requirement for all major and minor planning applications in England, subject to certain exemptions. Developments were required to deliver at least a 10% increase in biodiversity value compared to the pre-development state.

Members noted that certain applications were exempt, including householder developments, de minimis cases (where less than 25 square metres of habitat was affected), and small-scale self-build projects. For applications subject to BNG, applicants were required to submit a statutory metric calculation tool and a scaled plan showing existing on-site habitat. Failure to provide this information could result in the application being invalidated.

It was highlighted that biodiversity value was measured in standardised units using a statutory metric, and developers could achieve BNG through on-site habitat creation, off-site measures, or, as a last resort, purchasing statutory biodiversity credits. The biodiversity gain hierarchy, which was avoid, minimise, restore, and offset was outlined as the required approach.

It was also noted that proposed habitats delivering biodiversity gain must be maintained for 30 years, and the Council could recover monitoring costs through legal agreements. Failure to meet BNG requirements or maintain approved habitats could result in enforcement action.

**Agreed as follows:**

- **Members noted the information provided.**

Tuesday 2nd December, 2025

25/50      **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE  
CONSIDERED.**

None.

## Agenda Item 5

Planning & Development Committee Schedule - 12-Feb-2026

Town Planning applications which require special consideration

1	Reference No: 25/0283/COU  Ward: Marton East	Applicant: c/o Harkin Associates  Agent: Harkin Associates	Description: Conversion of 1no. dwelling into 3no. self-contained units with associated external works  Location: 2A Gypsy Lane Middlesbrough TS7 8NG
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2	Reference No: 25/0321/MAJ  Ward: Nunthorpe	Applicant: Story Homes LTD  Agent: Hedley Planning Services	Description: Erection of 205 dwellings including associated infrastructure  Location: Land at Nunthorpe Grange, Nunthorpe Bypass, Middlesbrough, TS7 0NG
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3	Reference No: 25/0574/FUL  Ward: Marton West	Applicant: Mr Anthony Hall  Agent: Adapt Architectural Solutions Ltd	Description: Erection of porch to front  Location: 19, Grange Crescent, Middlesbrough, TS7 8EA
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## APPLICATION DETAILS

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**Application No:** 25/0283/COU

**Location:** 2A Gypsy Lane, Middlesbrough, TS7 8NG

**Proposal:** Conversion of 1no. dwelling into 3no. self-contained units with associated external works

**Applicant:** c/o Harkin Associates

**Agent:** Harkin Associates

**Ward:** Marton East

**Recommendation:** Approve Conditionally

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## SUMMARY

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The application seeks planning permission for the conversion of the property from a single residential dwellinghouse (C3) to three self-contained units (C3).

Following the consultation period, a number of objections were received with concerns primarily regarding the loss of a dwellinghouse, the impact on the character and appearance of the area, and highways impacts.

The report assesses that the principle of the development is deemed to be in accordance with local policy and the loss of a dwellinghouse would not be unduly harmful to the character and appearance of the area. The creation of three self-contained flats is considered to add to the mix of housing in the local area.

The layout of each of the three units has been assessed and whilst there are some concerns over the external amenity space, it is generally considered that the proposals broadly meet the requirements of relevant local policies. The levels of residential amenity created by the development are deemed to be satisfactory and there would be no significant impacts on neighbouring residents.

The parking arrangements of one space per unit are considered to be acceptable given the size of the proposed units and the very sustainable location of the site.

The issue of Nutrient Neutrality has been considered and Natural England has no objections subject to the provisional nutrient certificate becoming the final certificate.

It is the Officer view that the proposals be approved subject to conditions.

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## SITE AND SURROUNDINGS AND PROPOSED WORKS

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The application site is a two-storey, semi-detached residential dwellinghouse situated at the western end of Gypsy Lane, at its junction with Dixons Bank/Stokesley Road.

The local area is a well-established residential area with properties predominantly being built in the 1950s and 1960s and arranged at a medium density. The area is characterised by two-storey, semi-detached properties being generally constructed in brickwork and concrete roof tiles, featuring two-storey bay windows and hipped roofs.

Over the years, the original house has been extended through a first-floor extension over the kitchen offshoot at the rear and a single storey extension to the side.

Planning permission is sought for the conversion of the existing dwellinghouse into three self-contained residential units, two of which will be created at ground floor level with one being created at first floor level.

Whilst no extensions to the property are proposed, it is proposed to make some fenestration changes to the elevations to facilitate the development, including the installation of double entrance doors within the vestibule, blocking up of the rear door of the existing dwelling, as well as a new window being added on the rear elevation to replace double doors.

The site would be landscaped with areas of dedicated external amenity space being created to serve each of the three units, as well as an area of shared external amenity space. Three parking spaces are also proposed in-curtilage – one for each of the units – with access remaining from Gypsy Lane. A new small outbuilding is proposed along the eastern boundary to store cycles and general domestic paraphernalia, which will be on the site of the existing detached garage that will be demolished.

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## PLANNING HISTORY

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There is no relevant planning history.

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## PLANNING POLICY

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

#### **Middlesbrough Local Plan**

The following policies of the Middlesbrough Local Plan are relevant to this planning application:

##### Housing Local Plan (2014)

H1 Spatial Strategy  
H11 Housing Strategy

##### Core Strategy DPD (2008)

CS4 Sustainable development  
CS5 Design  
CS18 Demand Management  
CS19 Road Safety  
DC1 General Development

##### Other Relevant Documents

Publication Local Plan (March 2025)

Interim Policy on the Conversion and Sub-Division of Buildings for Residential Use

## Tees Valley Design Guide and Specification – Residential and Industrial Estates Development

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

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### CONSULTATION AND PUBLICITY RESPONSES

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The application has been subject to the standard notification of neighbouring properties. Following the consultation period, **16 letters of objection** were received as well as **1 letter of support**, which can be summarised as follows.

#### Summary of letters of objection:

##### 17 Gypsy Lane objects:

- Gypsy Lane is a residential road designed for families. Houses in multiple occupancy would change its character.
- At the moment the road is well planned and laid out and this character should be preserved as far as possible.

##### 89 Chestnut Drive objects:

- Lack of Parking Provision – The street already suffers from significant parking pressures, with limited on-street parking available for existing residents. The conversion of the property into an HMO is likely to increase the number of occupants (and vehicles), exacerbating an already difficult situation and potentially leading to dangerous or inconsiderate parking.
- Overdevelopment and Impact on Local Character – The conversion of single-family homes into HMOs can lead to overdevelopment, changing the character of the neighbourhood. Increased occupancy levels often lead to more noise, waste, and general wear on community infrastructure.
- Impact on Residential Amenity – HMOs can result in higher turnover of tenants, which may negatively impact community cohesion. They can also bring an increase in noise levels and antisocial behaviour, particularly if not well-managed.
- Waste Management and Bins – Higher occupancy typically results in more waste. If not managed appropriately, this can lead to unsightly bin storage, overflowing rubbish, and associated hygiene issues – especially if adequate bin space is not provided.

##### 36 Gypsy Lane objects:

- Strongly object to this selfish profiteering proposal.
- 2a Gypsy Lane has long been known as the scruffy house in our Lane
- Back in early 2009 2a Gypsy Lane was subject to a drugs raid and subsequent criminal prosecution due to large scale Cannabis grows inside. This criminal activity started less than 1 year after the property last changed hands in April 2008. This fact, and the obvious unmaintained state of the place proves that the Landlord is not a decent local caring person, they are a remote Bradford based business just wanting to further bolster their income at any cost.
- If they allow such neglect of tenants and buildings and can't even spot a long-term drugs factory in their property, then how can we have any confidence in their intentions of who they house there next time.

- I am hearing a lot about 5 year guaranteed rent and repair schemes for illegal economic migrants, who are mainly young men without family or relevant social skills to safely integrate into the local community, ideal candidates for a flat, and not the established family home that it was built for. Or maybe another Government assisted housing scheme halfway house or shelter etc.
- There are no flats or HMOs in Gypsy Lane for a reason, and that is the Lane was planned and built for the family unit. Accepting this application would set a very unwelcome precedent and surely open the floodgates for similar applications in the surrounding areas, maybe even yours.
- Other points to take into careful consideration, potential negative impacts on community character, property values, parking, noise, and safety, as well as the loss of family-sized housing. Concerns may also arise regarding anti social behaviour, increased traffic, and the potential strain on local infrastructure.

36 Gypsy Lane objects:

- The property has remained in an unmaintained stated since 2008. Concerns about the landlord, their neglect for the property and the fact they are not locally based.
- Concerns about who might live there.
- This property is on a quiet road in a good area with lots of children passing each day for school and activities. A private child minding service is also situated almost directly opposite this property. I strongly object to this conversion as with all HMOs, the standard of the people who rent these are not the people we want living in our road or area with our children and families being in the immediate vicinity.
- We were not consulted and neither were our neighbours. We live in gypsy lane as it is a safe, well looked after community for children and our older residents.
- This conversion can not go ahead as it will put our children at risk.

40 Gypsy Lane objects:

- Would like to register our objection to this proposal in this popular residential area

16 Gypsy Lane objects:

- Out of keeping with the street which does not have any other HMO properties.
- It will set a precedent for this to happen on other streets in Marton i.e. The Grove and Gunnergate lane.
- Parking is already a problem on this street and visitors will park on the pavement which is currently an issue with people using the pavement to park to visit the shops

66 Gypsy Lane objects:

- Have serious concerns about the long-term impact this development could have on our neighbourhood.
- This property lies within a street and wider postcode area that is recognised for its character, premium real estate value, and strong sense of community. Allowing this type of development would not only alter the intended use of a home designed for single-family living but would also risk setting a concerning precedent for similar applications in the future.
- It is particularly troubling that the applicant is not a local resident and appears to have little understanding of—or regard for—the unique character of this area and the preferences of those who live here.
- Our community values the stability, space, and aesthetic consistency that single-family homes bring to the street. The introduction of multiple flats within such properties introduces increased traffic, pressure on parking, noise, and a

- transient population that may disrupt the established harmony of the neighbourhood.
- Furthermore, there is a valid concern about the potential devaluation of neighbouring properties. Homes within this postcode are sought after for their spaciousness and family appeal. Turning one of them into multiple dwellings undermines this reputation and could diminish the value of surrounding homes—an outcome that is clearly not in the interest of current residents or the local housing market.
- Urge the council to consider not just the immediate impact of this application, but the longer-term implications it poses for our area.
- This proposal does not align with the character, needs, or desires of the local community, and I respectfully ask that it be rejected.

2 Cedar Road objects:

- Friends live nearby this property and the area does not require flats for any purpose and should remain as one residence.

54 The Grove objects:

- This site does not have sufficient parking for 3 flats which will have 3 to 8 vehicles as these are likely to be singles or couples and will have a car each unlike the previous use as a family home which would have 2 vehicles.
- The 3 fold increase in vehicle numbers will also lead to highway safety issues as these vehicles will block footpaths in order to find a place to park. Wheelchair and buggy uses will be particularly adversely affected.
- It will also make the road unsafe for children as more parked vehicles will make it harder to cross the road.
- Object to the layout and density of the proposed alterations. This site was designed as a family home and is unsuited to housing so many in such a small footprint.
- This leads me to my final objection on the design appearance and materials used. The current owners have left this house in a derelict state. The new plans do not blend in with the homes around it.

9 Auckland Avenue objects:

- The houses in this area are designed to be family dwellings with predominantly families and elderly people living in the area. Concerns are that if the change of use to HMO is allowed this will open the flood gates to further applications and this will totally change the community.
- There are already purpose built flats and apartments in the area without converting houses which are not designed for this purpose.
- The building is already an eyesore and very badly maintained. The fear would be if it was changed to a HMO that it would become even worse.
- There is already an issue with parking and congestion on Gypsy Lane to add more vehicles to this property would make the problem far worse.

22 Neasham Avenue objects:

- This proposal is not in keeping with the area.
- Do not wish to see houses turned into flats. It will only set a precedent for others to follow.

4 Dixons Bank objects:

- Heard really bad reviews about the landlord and not sure how changing into flats is going to change the way of the landlord?
- Also cannot understand why only 5 people/neighbours are consulted? Are the people who the house backs onto not as important? What about the house

actually on Dixons Bank next door to the property in question?? Once again left to find out these things from people who don't even live here? Just like the children's home at the other end of my road, which I'm not objecting to but, never got informed during the application, found out through the grapevine?

31 Chestnut Drive objects:

- This type of property does not suit the nature of the area and should not be considered. There is insufficient parking and local amenities in the area and this will lead to overcrowding as is happening in other parts of the town.
- Adding to the Marton crawl and other local issues that already exist.
- This property needs upgrading as a suitable family home not flats.

80 The Grove objects:

- I am concerned about the impact on access to the car park at Marton Shops. The conversion into 3 units will inevitably increase the number of cars

24 Captain Cooks Crescent objects:

- Object to the planning application based mainly on parking issues.
- At the site of the proposed development, especially at peak times, there are often queues with already poor traffic control leading into Stokesley and Middlesbrough. This is also made worse by the crossing to Marton shops which is likely a walking route to local schools (Captain Cooks and Kings Academy).
- Changing to HMO will likely increase cars to the area by at least 3 cars but up to 6. The double yellow lines immediately outside the property will lead to more street parking for neighbours in the area. Making crossing at the junction more difficult.
- Concerns are safety of children and parking issues.
- Furthermore HMO is not in keeping with the local area given Marton is a residential family area.

4 Gypsy Lane objects:

- House is directly overlooked by the property in question. The introduction of three flats would increase the amount of people overlooking my property.
- Out of Keeping with the Character of the Area  
This proposal is not in keeping with the established character of this part of Marton, which consists exclusively of single-family homes. There are currently no flat conversions in the area, and permitting this development would set a worrying precedent for future inappropriate conversions, there are many properties in this area that are big enough to be converted, the conversion of this one will encourage others, I explicitly chose to live in this area due to the family nature and my plans to start my own family.
- Loss of Privacy and Residential Amenity  
The proposed flats would significantly increase occupancy and activity at the property. Given that it overlooks both the front and rear of my home and garden, I am very concerned about the resulting loss of privacy and the negative impact on the peaceful enjoyment of my property.
- Poor Condition of the Property  
The existing building is already in a poor state of repair. Without a full refurbishment, dividing it into three units may exacerbate structural or maintenance issues, lowering the visual and environmental quality of the street, there are little to no plans to upgrade the exterior of the property. A simple visual inspection will confirm that this property is already in a state of disrepair and very much an eyesore.
- Traffic and Parking Implications

This part of Gypsy Lane has an increasing amount of traffic both in relation to residents leaving the street to join Stokesley road and to the consistent backed up traffic from Stokesley road at peak times throughout the day, it is a problem area and it has been noticed to be getting worse in the 2 years since I moved here.

- The introduction of three flats would increase the amount of traffic coming and going to the property and therefore create more noise and pollution from emissions. Three proposed parking spaces may be insufficient for the number of future residents, particularly if multiple adults occupy each unit. Overflow parking could worsen traffic congestion and pose risks to pedestrians and other road users on Gypsy Lane.
- **Pedestrian Safety – School Route**  
Gypsy Lane is a busy pedestrian route for children attending both local primary (Captain Cooks) and secondary schools (Kings Academy and Nunthorpe). An increase in vehicle movements in and out of the property, combined with more parked cars obstructing views and access, raises legitimate concerns for the safety of young pedestrians. I have encountered issues with this myself and increased traffic from this conversion will contribute to the risk of striking a child.
- **Personal Safety Concerns**  
As a single female occupant living directly next door, I have genuine concerns about the calibre and background of potential tenants in a multi-occupancy dwelling. The transient nature of rental flats, especially if not properly managed, may introduce safety risks and increase levels of anti-social behaviour in what is currently a quiet and stable residential environment that has some anti social issues already affecting us at Marton shops.
- In conclusion, I strongly believe that this development is inappropriate for the location and poses risks and negative impacts across a range of issues including residential character, safety, and amenity. I respectfully urge the council to reject this application in the interest of protecting the integrity and wellbeing of our community.
- There is currently ongoing issues with drainage and NWL – an increase in dwellings will lead to more water usage and toilet waste in an already overloaded system.

As well as the above letters of objection from local residents, **objections were also received from the two local ward councillors.**

Ward Councillors McConnell and Davison object:

- This will cause issues with parking around this area. We already have issues with parking and this will make the issue even worse.
- The HMO won't be in keeping with the houses on Gypsy Lane.

Summary of letter of support:

1 Gunnergate Lane supports:

- Recently a neighbour very close to this property was given planning permission approval to run a large scale creche from her home with a lot of support from neighbours, a lot of whom stating there was a strong need in the area.
- There is also high demand for housing for single occupancy such as this proposal.
- Works for one application should work for all.

### **Responses from Internal Technical Services**

#### **MBC Planning Policy – Acceptable in principle**

The principle of the proposed change of use to three flats is acceptable. Consideration should be given to whether adequate levels of privacy and amenity would be achieved for future occupants and whether privacy and amenity of occupiers of neighbouring properties would be protected. Consideration should also be given to whether the layout of the proposed car parking is appropriate.

#### **MBC Environmental Health – No objections**

Reviewed the information and there are no comments.

#### **MBC Highways – No objections in principle**

The original parking layout that was proposed was not considered to be practical. From a Highways perspective, one parking space per unit is acceptable for a small scale development of this nature. The parking standards for the current property as a 4-bed dwelling is 3 spaces. Given the size of the proposed units, one space per unit is likely to be viable.

The site is very sustainably located with frequent public transport and local facilities immediately adjacent to the site.

### **Responses from External and Statutory Consultees**

There were no external or statutory consultees.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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#### **Relevant National Planning Policies**

1. Section 38 of the Planning and Compulsory Purchase Act requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. At a national level, the Government's guidance is set out in the National Planning Policy Framework (NPPF), which was most recently revised and published in February 2019. The NPPF states that the general principle underlying the town planning system is that it is 'plan led'. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. In determining planning applications, due weight should be given to local planning policies in accordance with their consistency with the revised Framework, with greater weight given the closer policies are to those in the Framework (paragraph 232).

#### **Principle of Development**

2. The relevant policies in the Local Development Plan regarding this application include H1 (Spatial Strategy), H11 (Housing Strategy) of the Local Plan, DC1 (General Development), CS4 (Sustainable Development) of the Core Strategy (2008), CS5 (Design). In general terms, these policies seek to achieve high quality sustainable development that is situated in the right place and minimises the impact on neighbouring occupiers.

3. Policy H11 sets out the housing strategy for broad areas of the borough. The application site is located in south Middlesbrough, where the strategy is:

- to maintain the quality of life through protecting the existing high environmental quality of the area;
- new housing to meet aspirational needs and create a sustainable and balanced mix of housing, and
- new development will be of a high quality and density appropriate to the location.

4. The conversion of a four-bedroom semi-detached house into three flats is considered not to impact upon the environmental quality of the locality. Whilst the proposed flatted development may be deemed as less aspirational than the existing dwelling and would be at a higher density than the immediate neighbouring properties, it is considered that the density of the proposed development would not be inappropriate for the location, but adds to the balanced mix of housing in the area. The proposals are therefore considered to be in accordance with Policy H11.

5. Policy H1 advises that windfall developments need to be sited within the urban area and be sustainable development. The application site is located within the urban area considering the adopted Proposals Map. Policy CS4 requires all development to contribute to achieving sustainable development principles. This includes being located so that services and facilities are accessible on foot, bicycle or by public transport, with reliance on the private car minimised, and making the most efficient use of land, with priority given to development on previously developed land. The application site is considered to be in a sustainable location, being adjacent to a local centre and near to a frequent bus route and is previously developed land. The proposals are considered to be in accordance with Policies H1 and CS4 in these regards.

6. The Council is in the process of reviewing its Local Plan. The Publication Local Plan (PLP) was approved by the Council on 5th March 2025. The NPPF sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the NPPF. It is considered that some weight may be given to PLP policies in the determination of planning applications.

7. PLP Policy HO1 requires all new housing development to contribute to the creation of balanced and sustainable communities. Policy HO2 identifies that windfall sites will contribute to the housing requirement. It is considered that the application site would make a small contribution to the overall requirement.

8. Considering the above, it is the Officer view that the principle of the proposed development is acceptable, being in accordance with relevant policies.

#### Design and Layout Considerations

9. Policy CS5 requires all development proposals to demonstrate high quality design. The proposed development involves only small alterations to the external appearance of the host dwelling, including minor changes to the doors and windows that face into the rear garden area as well as the introduction of two front doors on the principal elevation. The fenestration alterations on the rear elevation are considered acceptable and do not harm the overall house design. The two front doors may potentially look incongruous, although it is noted that these are set back within the internal open porch and not considered to be readily perceptible or adversely harm visual amenity.

10. As well as the fenestration changes to the host building, the only other building change involves the demolition of the detached single garage and the erection of timber cycle/bin stores along the boundary with No. 4 Gypsy Lane. Although the stores would be positioned forward of the location of the existing garage, they would still be behind the main building line along Gypsy Lane. With an overall height of 2.0 metres, it is considered that the

likely impact on the neighbouring property would be similar to that of a boundary fence. In addition, the side elevation of No. 4 Gypsy Lane features only secondary windows (hallway, stairs, utility area), which are afforded less protection.

11. The Interim Policy on Conversion and Sub-Division of Buildings for Residential Use sets out criteria for this form of proposed development. The Interim Policy sets out what a building should provide to be considered capable of providing the number of units proposed to an acceptable standard of accommodation, including the provision of adequate levels of privacy, amenity for residents and meeting the Government's Technical Housing Standards. Policy HO8 of the Publication Local Plan largely reaffirms the Interim Policy. The following paragraphs will consider the proposals against the criteria of the Policy.

12. Criterion (a) requires adequate levels of privacy and amenity for existing and future residents. For the two one-bedroom flats at ground floor level, on the presumption these would be occupied by one person only, the Technical Housing Standards require these to be a minimum of 37sqm. If a second occupant was to reside in these flats, the space standards would require a minimum of 50sqm. With Flat 2 measuring 44sqm and Flat 3 measuring 51sqm, it is considered that the ground floor one-bed flats would be acceptable as one-person occupiers, and Flat 3 capable of accommodating a second occupier. With regard to the two-bed flat at first floor level, the Technical Housing Standards require this to measure a minimum of 61sqm, which would be for three people. Whilst the internal floorspace of Flat 1 would fall marginally short of this – measuring 60sqm – it is considered that the layout and arrangement of the flat would be broadly acceptable in this case.

13. Criterion (b) requires the proposal not to lead to an unacceptable change in character and criterion (c) requires the development not to exacerbate any shortage or oversupply of particular types of dwellings. The local area is primarily characterised by two-storey semi-detached dwellinghouses. The conversion of this property into three self-contained flats is considered not to lead to an unacceptable change in character nor affect the general supply of this type of house in the area. The area would still be dominated by two-storey residential dwellinghouses.

14. Criterion (d) requires the amenity of nearby residents not to be unduly affected by the development. As considered earlier in the report, there are very few external alterations as part of the proposals, with the main changes being the stores near to the boundary with No. 4. However, it has been assessed that the impacts from this would be similar to a fence and there are no primary room windows within the side elevation. The proposal would remain to be residential, occupied by people as living accommodation as would the property were it to remain to be a single dwelling. The use of the property as 3 flats is considered to be unlikely to significantly intensify the use of the property or the perception of use by surrounding residents.

15. With regard to the adjoining property, the main concern for Officers would be the potential adverse implications of the use of the external amenity space of Flat 1, which would be close to the primary living space of No. 2 Gypsy Lane. However, along the shared front boundary is a 1.8 metre high fence. The impacts from the use of the front garden space on the main living space are, therefore, considered to be acceptable.

16. Criterion (e) requires adequate levels of parking and refuse storage to be provided as part of the scheme, as well as adequate provisions of amenity space where deemed necessary. A cycle and general store is being provided which will allow cycles and other paraphernalia (lawn mower, garden furniture etc) to be stored.

17. As well as the internal floorspace assessed earlier, consideration must also be given as to whether the external areas provide reasonable and acceptable levels of amenity

space. The two ground floor flats are each shown with a modest area of private defensible space to the rear of the respective units. By contrast, however, the external amenity space for the first floor flat would be positioned at the front of the property and situated adjacent to the internal living space of Flat 3. This arrangement raises Officer concerns with regard to the provision of good levels of privacy for the occupiers of both flats, with respective residents potentially able to see each other. Similar concerns might be raised with regard to the arrangement of the shared amenity space which wraps around the lounge area of Flat 2, although it is expected that residents would spend less time using the shared external space.

18. Criterion (f) states that the proposal would not give rise to conditions prejudicial for highway safety. Concerns were initially raised by Highway Officers over the parking arrangements, which were not deemed to be practical given the tandem parking arrangements and the location of the existing boundary wall. It was recommended that the scheme could be deemed acceptable with one space per unit given the size of the proposed units and that the site is located in a highly sustainable location with frequent public transport and local facilities nearby. A revised plan was submitted showing a widened dropped kerb with three parking spaces, which is considered to be acceptable in Highways terms.

19. In conclusion, there are elements of concern with the arrangements of the scheme, especially the provision of external amenity space for Flat 1, given its location at the front of the site and in front of the lounge area of Flat 3 and adjacent to the primary living space of No. 2 Gypsy Lane. Whilst this provides lower levels of privacy, it is considered, on balance, that the proposals are deemed to be acceptable and broadly in accordance with Policies CS4, CS5 and the Interim Conversion Policy. It is considered, however, that full enclosure of the external amenity space at the front of the property (both the shared space and Flat 1) with fencing would potentially be visually harmful, so a condition to restrict boundary fencing is recommended to safeguard local amenity. The same is considered for any future hardstanding, which would be similarly harmful is not restricted.

#### Nutrient Neutrality

20. Nutrient neutrality relates to the impact of new development on the Teesmouth and Cleveland Coast Special Protection Area (SPA) (and Ramsar Site) 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 that 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 has the ability to exacerbate this impact. Natural England has advised that only development featuring overnight accommodation (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 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 to accurately define a precise impact from development in relation to nutrient neutrality given the scale of other influences. Notwithstanding this, the Planning Authority need to determine applications whilst taking into account all relevant material planning considerations.

21. The Local Planning Authority must consider the nutrient impacts of any development within the SPA catchment area, which is considered '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.

22. In-scope development generally includes, but is not limited to, new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). 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.

23. The existing use of the site is as a single dwellinghouse, so the proposed development through the intensification of the site will lead to an increase in population and will have a greater impact with regards to nitrate generation/pollution over and above the existing use. As such, a Likely Significant Effect cannot be ruled out. Appropriate Assessment is required to assess the impact of the proposed development.

24. Employing the Nutrient calculator produced by Natural England identifies that the development would generate 1.66 Kg TN/year. For the proposed development to be considered acceptable, it is necessary for the applicant to demonstrate that they are capable of mitigating the impacts of the development. The applicant has applied to Natural England for mitigation credits and their application has been successful. A copy of the provisional Nutrient Credit Certificate has been submitted to the Local Planning Authority.

25. Given the above, the proposed mitigation is considered to be acceptable for this development, subject to the provisional Nutrient Certificate becoming the final Nutrient Certificate. It is the planning view that this could be controlled by a pre-commencement condition in the event of approval, which would require a copy of the final Nutrient Credit Certificate to be sent to the Local Planning Authority prior to any works commencing on site. Natural England has been consulted and offer no objections to the application subject to an appropriate condition being attached to any planning permission.

26. It is considered that the proposed development will not have an unacceptable impact in terms of nitrate generation/pollution as the applicant has been able to demonstrate acceptable mitigation.

#### Biodiversity Net Gain and Landscaping

27. Since April 2024, Biodiversity Net Gain (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% over 30 years, which means that development will result in a more or a better quality natural habitat than there was before development. As the development affects less than 25sqm of habitat, the statutory Biodiversity Net Gain requirements are not considered to be applicable.

28. To soften the proposed development, it is the Officer view that a scheme of soft landscaping is required. The Urban Design SPD also advises that parking should be within a landscaped area and, in that regard, the revised site layout indicatively shows that there would be an area of screen planting between the parking area and the bin and cycle stores. However, no details have been provided of the hard and soft landscaping. A condition is recommended to secure details to ensure a high quality development that is well landscaped and prevents rainwater runoff on the adjacent highway.

29. Provided details are provided for the recommended condition, the proposed parking arrangements are deemed to be in accordance with local policies DC1, CS4 and CS5 as well as the emerging policies in the Publication Local Plan.

#### Conclusion

30. On balance, the proposals are considered to represent a development that can be supported in planning terms. The principle of converting a residential dwellinghouse into three self contained units is considered to be in accordance with local policies. The layout of the residential units and the overall site is considered to be good, and the arrangement of the proposals in relation to the existing neighbouring properties is considered acceptable and not harmful to their residential amenity.

31. Subject to details of soft and hard landscaping and the submission of the final certificate for nutrient mitigation, it is the Officer view that the proposals can be supported.

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## RECOMMENDATIONS AND CONDITIONS

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### Approve with Conditions

1. Time Limit

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

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

2. Approved Plans

The development hereby approved shall be carried out in accordance with the following approved plans:

- a) Location Plan (25-1701-10 Rev A)
- b) Proposed Floor Plans (25-1701-02 Rev C)
- c) Proposed Elevations (25-1701-04 Rev C)
- d) Proposed Site Plan (25-1701-12 Rev E)
- e) Proposed Cycle Store and General Purpose Store (25-1701-13 Rev A)

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

3. Details of Hard and Soft Landscaping

Details of the hard and soft landscaping to be implemented as part of the parking arrangements within the site frontage (as indicatively shown on the approved plans) shall be submitted to and approved in writing by the Local Planning Authority.

Any detailed scheme shall include specifications of the materials used as part of the hard surfacing (incorporating measures to prevent rainwater runoff onto the adopted highway) as well as the proposed trees and associated planting as part of the soft landscaping (including their species, size and location).

The approved hard surfacing details shall be implemented prior to the first occupation of the development hereby approved and the approved soft landscaping details shall be implemented in full during the first available planting season (October-March) after the first occupation of the development hereby approved. The Local Planning Authority shall be notified within two weeks of the landscape planting works.

Reason: To ensure a satisfactory form of development in the interest of visual amenity and the character of the area having regard for Policies CS4, CS5 and DC1 of the Local Plan and sections 12 and 15 of the NPPF.

4. Replacement Tree Planting

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place during the first available planting season (October-March), unless the local planning authority gives its written consent to any variation.

Reason: To ensure a satisfactory form of development in the interest of visual amenity and the character of the area having regard for policies CS4, CS5 and DC1 of the Local Plan and sections 12 and 15 of the NPPF.

5. Bin Store – Details Required

The development hereby approved shall not be occupied/brought into use until a refuse/recycling store has been provided in accordance with drawing(s) to be submitted to and approved in writing by the Local Planning Authority. Such drawings to show the position, design, materials and finishes thereof. Thereafter the refuse/recycling store shall be retained for the lifetime of the development for the sole purpose of refuse/recycling storage.

Reason: In the interests of the amenities of residents to ensure a satisfactory form of development having regard for Policies DC1, CS4 and CS5 of the Local Plan and section 12 of the NPPF.

6. Removal of Permitted Development Rights for Fencing

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no fences, gates, walls or other means of enclosure (other than those expressly authorised by this permission) shall be erected within the curtilage of the premises forward of any wall of the host building which forms the principal elevation/fronts onto a road or footpath 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 protect the visual amenity of the area and in the interests of residential amenity having regard for Policies CS4, CS5, DC1 and section 12 of the NPPF.

7. Removal of Permitted Development Rights for Hardstanding

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order), no hardstanding shall be constructed at the front of the development 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 protect the visual amenity of the area and in the interests of residential amenity having regard for Policies CS4, CS5, DC1 and section 12 of the NPPF.

8. Nutrient Mitigation Scheme – Credits or Suitable Alternative

Prior to the commencement of the development hereby approved, confirmation of the final nutrient credit certificate from the habitat bank provider shall be submitted to and approved in writing by the Local Planning Authority. If the final nutrient credit certificate cannot be obtained for any reason, full details and specifications of an alternative Nutrient Neutrality Mitigation Scheme, including any long term maintenance and monitoring details, shall be submitted to and approved in writing by the Local Planning Authority prior to any commencement of works on site. Thereafter the development shall be carried out in accordance with the approved Nutrient Neutrality Mitigation Scheme.

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 change of use from residential dwellinghouse to three self-contained flats is considered to be appropriate as it is in full accordance with national and local planning policies, statements and guidance.

In particular, the proposed development is in accordance with the National Planning Policy Framework and its policies regarding the provision of community development, achieving healthy, inclusive and safe places, providing social facilities and services for the community, sustainable development, the efficient use of land, and transport and accessibility, whilst proposing a 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 the use of this site and the generation of traffic have been considered fully and are not considered, on balance, to give rise to any inappropriate or undue affects. Accordingly, the Local Planning Authority considers that there are no material planning considerations that would override the general assumption that development be approved unless other material factors determine otherwise.

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#### **INFORMATIVES**

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Informative: Highways Related Matters

Works to Highway - S278

The proposals will require alterations to the existing highway and as such will require an Agreement under Section 278 of the 1980 Highways Act. The applicant is urged to consult early with the Highway Authority (tel: 01642 728156) to discuss these proposals. This agreement must be completed and in place before work commences.

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#### **IMPLICATIONS OF THE DECISION**

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**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.

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.

Implications in relation to people's Human Rights have been considered and the development is considered not to bring about any adverse effects.

**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.

**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.

**Financial Implications:**

None

**Background Papers**

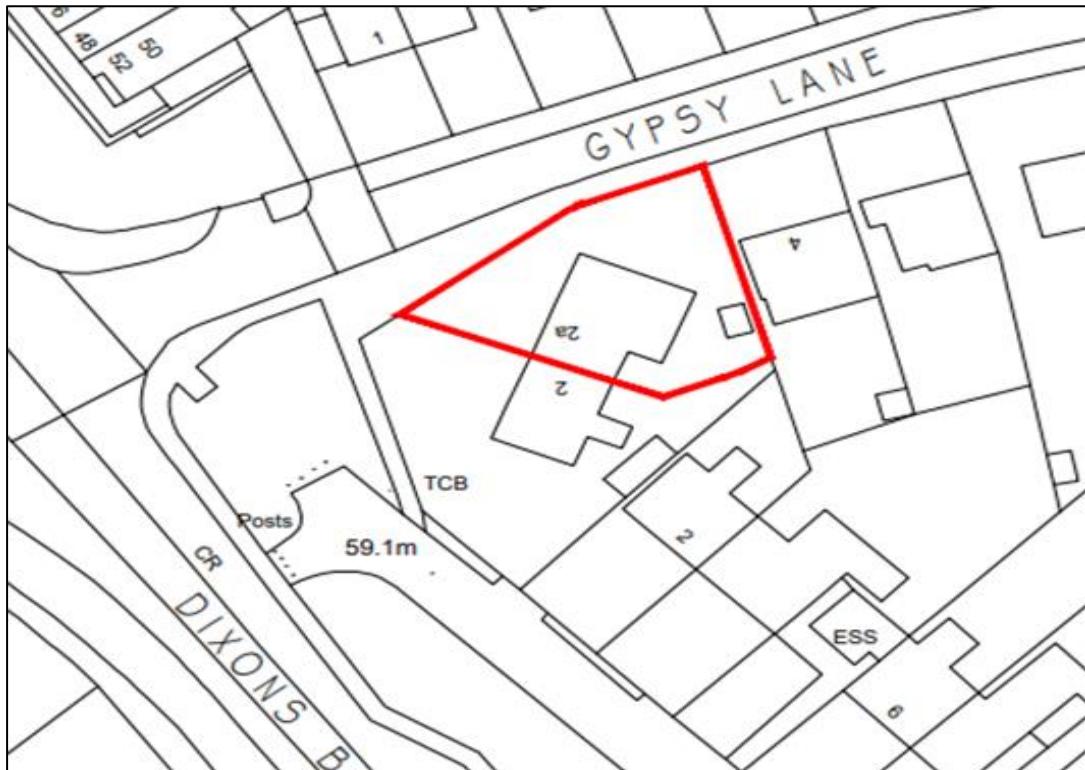
None

Case Officer: Peter Wilson

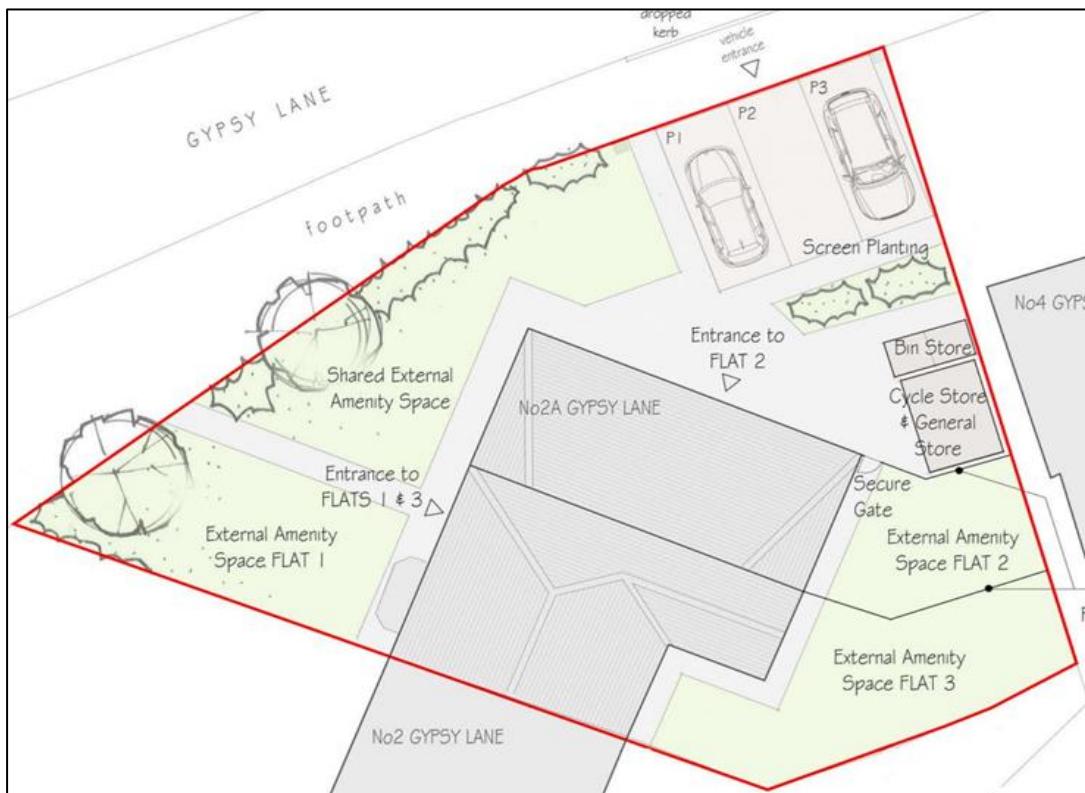
Committee Date: 12<sup>th</sup> February 2026

## **Appendices**

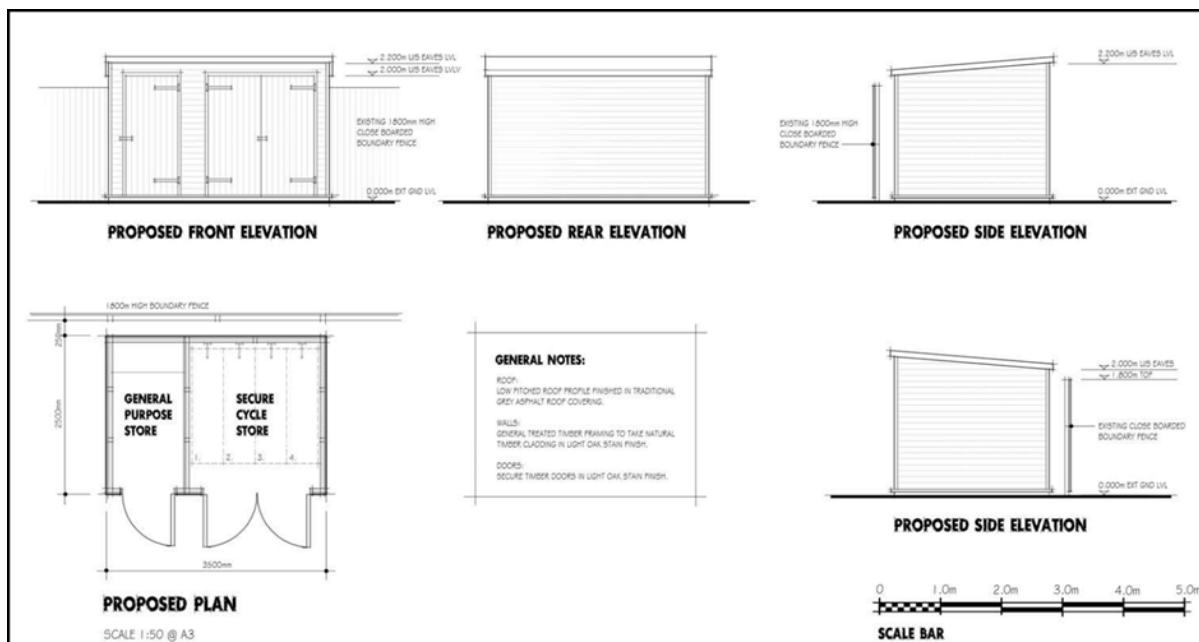
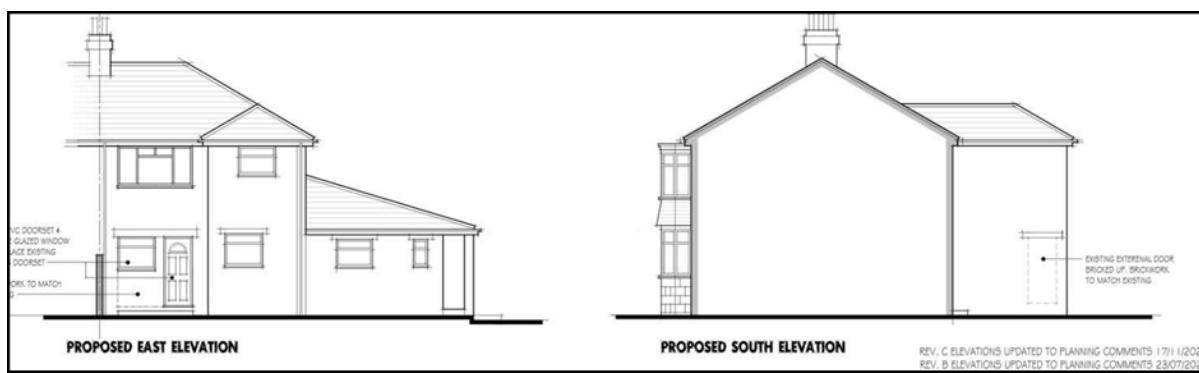
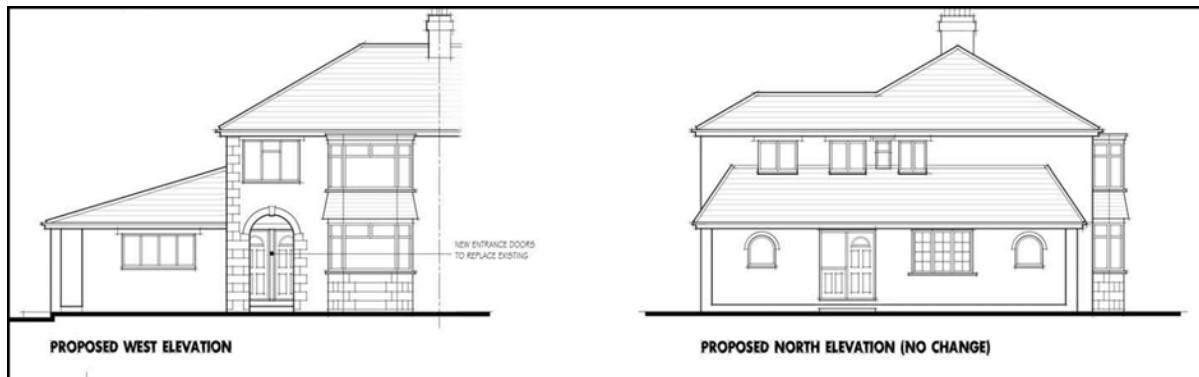
## Location Plan



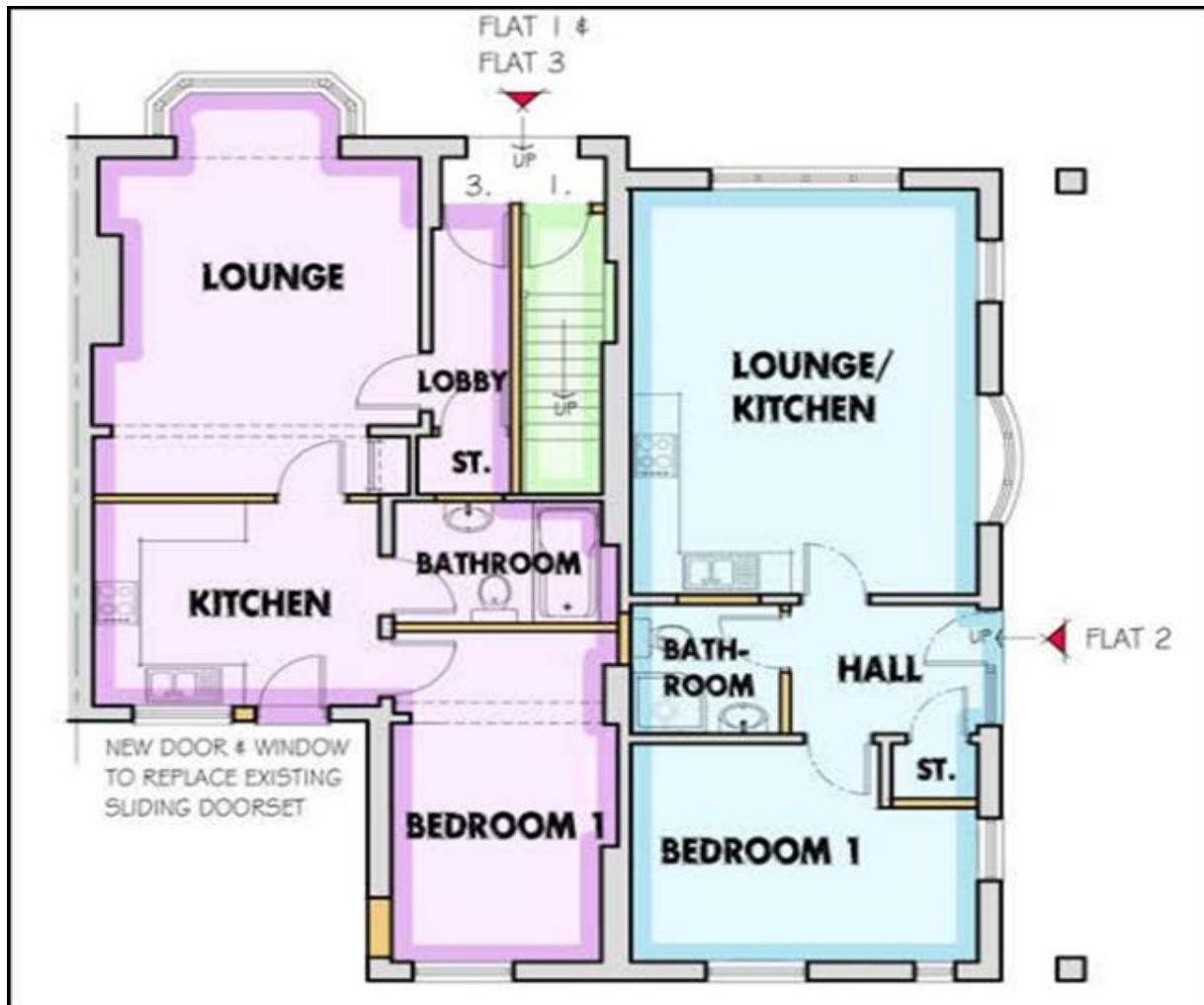
## Site Plan



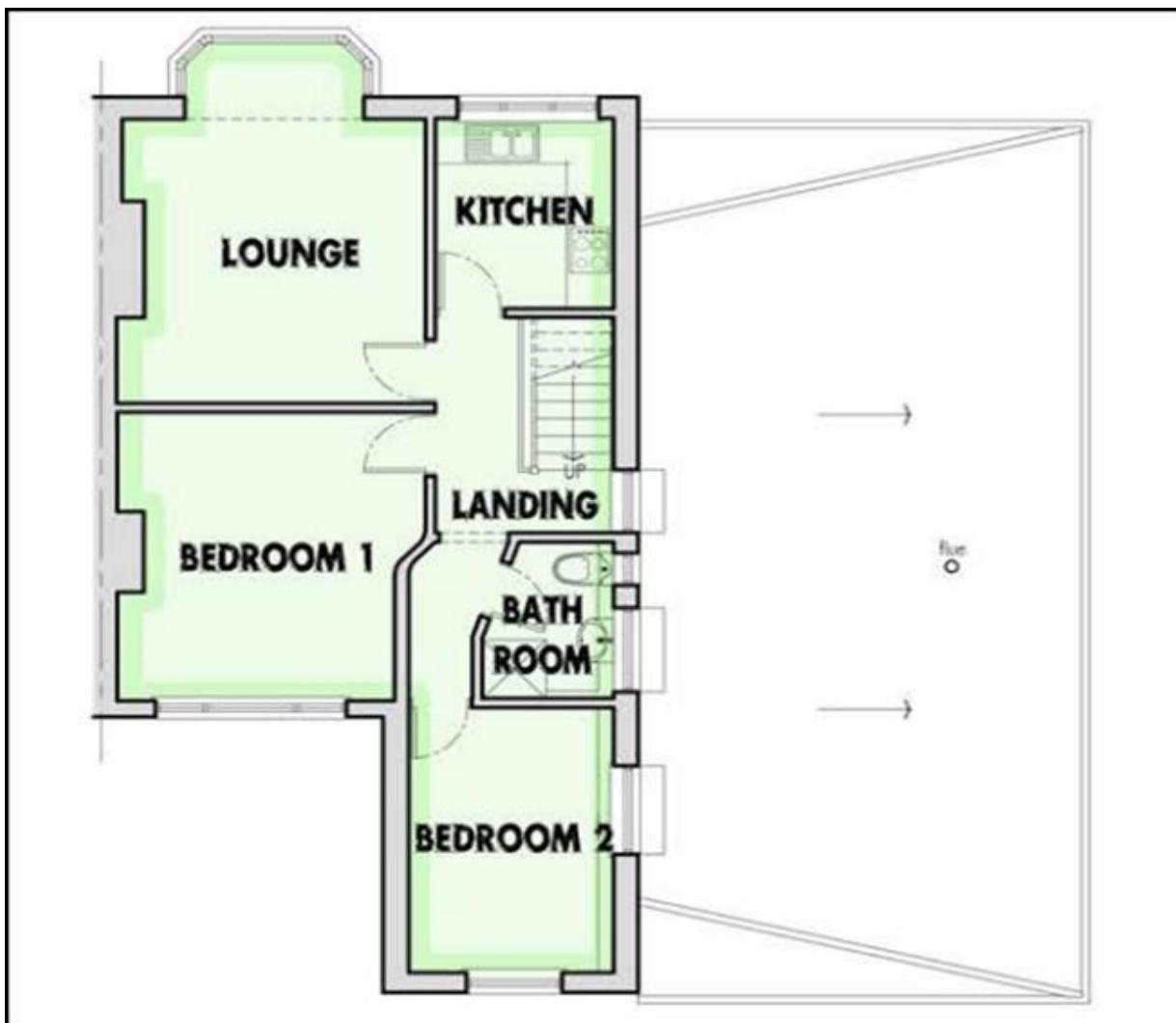
## Proposed Elevations



**Proposed Floor Plans**



Ground Floor (Flats 2 and 3)



First Floor (Flat 1)

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## APPLICATION DETAILS

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**Application No:** 25/0321/MAJ

**Location:** Land at Nunthorpe Grange, Nunthorpe Bypass, Middlesbrough, TS7 0NG

**Proposal:** Erection of 205 dwellings including associated infrastructure

**Applicant:** Mr Richard Swann, Story Homes LTD

**Company Name:**

**Agent:** Mr Joe Ridgeon, Hedley Planning Services

**Company Name:**

**Ward:** Nunthorpe

**Recommendation:**

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## SUMMARY

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Permission is sought for the erection of 205 dwellings with associated access, landscaping and infrastructure on land at Nunthorpe Grange to the northwest of the A1043 (Nunthorpe Bypass). The site is part of the wider Nunthorpe Grange site.

Following a consultation exercise, objections were received from 73 properties, the Nunthorpe Parish Council, a Parish Councillor and the Ward Councillors.

The site is allocated for housing in the Local Plan (and the Publication Local Plan) therefore the principle of residential dwellings on the site is both established and in accordance with policy. 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. The density, design, house types and layout are considered to be sympathetic to the local character of the surrounding area and in keeping with the adopted Nunthorpe Grange Design Code.

The development will not result in a significant detrimental impact on the amenities of existing local residents although will, through the development of fields adjacent to existing properties, result in a change of character and circumstance adjacent to these properties. Localised and strategic works to the highway network will mitigate against the impact of the development on the local highway network and will provide sustainable travel links to existing services.

The development is considered to meet the requirements of the relevant national planning policies detailed within the NPPF and Local Plan policies, specifically H1, H10, H11, H12, H29, H31, CS4, CS5 and DC1. The development is also in broad accordance with relevant

policies within the Publication Local Plan which is afforded limited weight. The recommendation is for approval of the application subject to conditions and a s106 agreement.

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## **SITE AND SURROUNDINGS AND PROPOSED WORKS**

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The site is located to the northwest side of the A1043 (Nunthorpe Bypass) approximately 150m northeast from the Poole Roundabout. It comprises 15.8 hectares of green field subdivided by hedgerows and runs from the A1043 up to Guisborough Road, which forms the northern most boundary of the site.

To the north and northwest are existing dwellings. To the northeast is the approved Persimmon housing development (which forms part of the wider Nunthorpe Grange site). To the west is the recently constructed medical centre and the under construction community centre which are also located within the wider Nunthorpe Grange site and are separated by an area of open space which falls within the Nunthorpe Grange housing allocation. To the south is the A1043 (Nunthorpe Bypass) which separates the site from open fields with residential properties further to the south.

The existing dwellings in the area primarily comprise large detached two storey dwellings. The properties along the west boundary of the site consist of bungalows and two storey dwellings.

The proposed 205 properties comprise:

- 8 no. 3 bed detached bungalows
- 28 no. 3 bed semi-detached dwellings
- 22 no. 4 bed semi-detached dwellings
- 84 no. 4 bed detached dwellings
- 53 no. 5 bed detached dwellings
- 10 no. 6 bed detached dwellings

Documents submitted in support of the application include:

- Planning Statement
- Design and Access Statement
- Flood Risk Assessment and Drainage Strategy
- Transport Assessment
- Heritage Assessment
- Noise Impact Assessment
- Air Quality Assessment
- Ecological Appraisal
- Contaminated Land Site Investigation
- Sustainability Statement

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## **PLANNING HISTORY**

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18/0757/FUL – Construction of new roundabout  
Approved with conditions 5th March 2019

18/0786/FUL – Erection of 97 residential dwellings with associated access, landscaping and infrastructure  
Refused 8th September 2020

Dismissed at appeal 15th March 2021

20/0644/FUL – Erection of medical centre with associated car parking and landscaping.  
Land off Stokesley Road, Nunthorpe, Middlesbrough, TS7 0NA  
Approved with conditions 9th March 2021

20/0658/FUL – Erection of 69no. residential dwellings with associated access, landscaping and infrastructure.  
Nunthorpe Grange, Nunthorpe, Middlesbrough  
Refused 12th April 2024  
Allowed at appeal 7th August 2025

21/1145/FUL – Creation of a permanent access road off the proposed roundabout on the A1043 to the Nunthorpe Grange housing development to the north.  
Nunthorpe Grange, Nunthorpe, Middlesbrough  
Approved with conditions 25th March 2022

23/0485/FUL – Single storey extension to existing medical centre to provide pharmacy, with associated access, parking and landscaping works.  
Land off Stokesley Road, Nunthorpe, Middlesbrough, TS7 0NA  
Approved with conditions 24th November 2023

24/0190/MAJ – Construction of gospel hall with associated car parking and landscaping.  
Land off Stokesley Road, Nunthorpe, Middlesbrough  
Refused 6th September 2024  
Dismissed at appeal 5th August 2025

25/0189/FUL – Erection of single storey community building with associated parking and external works.  
Vacant land adjacent to new Medical Centre, Stokesley Road, Middlesbrough, TS7 0NB  
Approved with conditions 7th July 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  
Approved with conditions 7th August 2025

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## PLANNING POLICY

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In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan 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, CS20 - Green Infrastructure, H1 - Spatial Strategy, H11 - Housing Strategy, NDS - Nunthorpe Design SPD, HGHDC - Highway Design Guide, H12 - Affordable Housing, CS18 - Demand Management, H29 - Land at Nunthorpe, CS19 - Road Safety, H10 - Nunthorpe,

NGDC - Nunthorpe Grange Design Code, CS6 - Developer Contributions, MWC1 - Minerals Strategy, MWC4 - Safeguarding Minerals, MWP1 - Waste Audits

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

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## CONSULTATION AND PUBLICITY RESPONSES

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Consultation letters were sent to local residents, a press notice issued, and site notices posted around the site. Further re-consultations were carried out throughout the application process relative to changes being made to the scheme.

Following the consultation exercises objections were received from 73 properties, comments are summarised below:

- a) Not in line with Local Plan
- b) Not in line with emerging Local Plan
- c) Not in line with Nunthorpe Grange Design Code
- d) Density is too high
- e) Change character of area
- f) Overdevelopment of area
- g) Total number of housing across the whole site exceeds 250 stated as a maximum in the Design Code (274 in total)
- h) Houses should be predominantly 3 and 4 bedroom and should include bungalows
- i) 6 bed properties are too large for the development
- j) No bungalows
- k) Poor design of bungalows and not enough bungalows
- l) Bungalows should be single storey
- m) Bungalows do not have driveways, only footpaths
- n) No affordable housing
- o) Transport report focuses on non-car modes not vehicle movements and access
- p) Increase in traffic
- q) Increase in speeding cars
- r) Increase in congestion
- s) Increase in pollution
- t) Impact on road safety
- u) Reduced speed on the bypass means it will no longer be a bypass
- v) Poor access, no traffic lights, only one access for all the traffic
- w) There should be no vehicular access to Guisborough Road
- x) Lack of visitor parking
- y) Inadequate parking
- z) Lack of footpath on south side of Guisborough Road
- aa) Increased pedestrian traffic on Nunthorpe Gardens
- bb) Poor pedestrian connections
- cc) Gravel cycleway from former Pinchinthorpe rail into Nunthorpe should be completed without the current need to walk through a farmer's field and cross the Great Ayton rail line
- dd) Lack of available GP's
- ee) Lack of school places
- ff) Lack of services and amenities
- gg) Site is known to flood/Increase risk of flooding

- hh) Green space taken up with SuDS, more SuDS than shown on the masterplan
- ii) The Green's shape and location incorporates the existing playing fields which are not part of the development and therefore are not available for public use.
- jj) Loss of green space
- kk) Loss of trees
- ll) Lack of Village Green
- mm) Negative impact on the environment/wildlife
- nn) Negative visual impact
- oo) Play areas are too small, no details of equipment
- pp) Impact on light to neighbouring properties
- qq) Impact on privacy
- rr) Increase in noise pollution
- ss) Do not need or want more houses
- tt) Conflicts with Nunthorpe 19 commitments
- uu) How much of a reduction in our council tax can we expect due to this reduction in our local services
- vv) Work has already started
- ww) Noise and disturbance during construction
- xx) Plans haven't changed since the developer's public consultation
- yy) Lack of public consultation

Comments received from:

1. 5 Agricola Cottages	31. 26 Gypsy Lane
2. 4 Aldwalk Close	32. 2 Innes Court
3. 47 Bedford Road	33. 5 Innes Court
4. 42 Beverley Road	34. 1 Lamonby Close
5. 29 Bonny Grove	35. 6 Lamonby Close
6. 16 Brass Wynd	36. 6 Mallowdale
7. 17 Byland Road	37. 16 Marton Moor Road
8. 11 Chestnut Drive	38. 4 Matfen Avenue
9. 4 Church lane	39. 5 Moor Green
10. 14a Clarence Road	40. 16 Moor Green
11. 20 Clarence Road	41. 22 Moor Park
12. 3 Clevegate	42. 11 Nunthorpe Gardens
13. 22 Clevegate	43. 18 Nunthorpe Gardens
14. 24 Clevegate	44. 28 Nunthorpe Gardens
15. 32 Clevegate	45. 31 Nunthorpe Gardens
16. 103 Clevegate	46. 36 Nunthorpe Gardens
17. 2 Collingham Drive	47. 18 Plantation View
18. 36 Cotcliffe Way	48. 27 Plantation View
19. 237 Eagle Park	49. 49 Premier Road
20. 6 Fencote Grange	50. 7 Railway Cottages
21. 10 Green Close	51. 2 Rookwood Road
22. 11 Green Close	52. 17 Rookwood Road
23. 7 Green Way	53. 49 Rosedale Road
24. 17 Grey Towers Drive	54. 51 Rothesay Grove
25. 26 Grey Towers Drive	55. 12 Runnymede
26. 119 Guisborough Road	56. 16 Rutland Avenue
27. 155 Guisborough Road	57. 15 Selby Road
28. 159 Guisborough Road	58. 10 Sessay Grange
29. 21 Gunnergate Lane	59. 12 Sessay Grange
30. 103 Gunnergate Lane	60. 69 Sinderby Lane

61. 75 Sinderby Lane  
62. 11 Stokesley Road  
63. 19 Stokesley Road  
64. 21 Stokesley Road  
65. 89 The Avenue  
66. 103 The Avenue  
67. 122 The Avenue

68. 30 The Crescent  
69. 5 Tirril Way  
70. 6 Tirril Way  
71. 1 Watchgate  
72. 9 Wyke Lane  
73. 19 York Road

### **Consultees Responses**

#### **Planning Policy – MBC**

The principle of residential development on the application site accords with the adopted development plan and the emerging Local Plan.

The proposed number of dwellings, when considered cumulatively with other proposals for the wider allocation site, and elsewhere in Nunthorpe would exceed the maximum number of dwellings specified in Policies H1 and H29, but as this part of these Policies is considered to be out-of-date, should not be afforded weight in determining the planning application.

The application is contrary to Policy H29 in relation to the need for agreement and a timetable for implementation of either a park and ride facility or the Longlands Road to Ladgate Lane Road scheme, prior to development. Consideration will need to be given to whether the impact of the proposed development on the transport network would be acceptable without these schemes / with other mitigation measures. It is also noted that the above schemes have not been carried forward as requirements in Publication Local Plan Policy HO4d, requiring instead any necessary off-site improvements to transport infrastructure.

The development must be considered in relation to relevant policies and guidance in the local plan, publication local plan, Nunthorpe Grange Design Code and Nunthorpe Design Statement.

#### **Highways – MBC**

The application has been considered in relation to the impact on the highway network in terms of capacity and safety, sustainability, the access to the site, the internal layout and the parking provision.

No objections are raised subject to relevant conditions and s106 requirements.

#### **Public Rights of Way – MBC**

A public right of way crosses the site going from north to south. The proposed development seeks to slightly realign the PROW. The development will still retain the north south route in roughly the same location. No objections are raised.

#### **Education - MBC**

The proposed development will result in increased pupil numbers for both primary and secondary schools which are currently at or near capacity.

S106 funds should be obtained towards the expansion of both primary and secondary schools on the basis of the excess pupil numbers (namely 38 primary school pupils and 45 secondary school pupils).

#### **Waste Policy – MBC**

No objections

Bin stores are located at the end of shared drives adjacent to the adopted highways for 2 wheelie bins per property to place their bins ready for collection.

**Environmental Health – MBC**

I have reviewed the NJD Environmental Associates noise assessment dated June 25. This assessment is suitable and provided the mitigation measures as stated on Table 8 of the report are implemented then I have no further comments or conditions to add in relation to noise or vibration.

I have also reviewed the NJD Environmental Associated air quality assessment dated June 25. I have no objections to the proposal in relation to operational air quality. I would however recommend that a condition is attached to any approval requiring a construction environmental management plan to ensure that construction noise, vibration and dust are controlled throughout the construction phase.

In relation to land contamination, I would request further details on the gas monitoring undertaken on site. 4 rounds of gas monitoring have been completed. With residential it is usual for 6 rounds over 3 months to be undertaken. If the additional rounds could be submitted or an explanation on why only 4 rounds have been undertaken that would be appreciated. This can be controlled by condition.

Subsequent comment received confirming the extent of monitoring is adequate given the specific details of the findings and therefore no condition is required for additional gas monitoring.

**Local Flood Authority – MBC**

A flood risk assessment and drainage details have been submitted as part of the application documents. No objections are raised subject to relevant conditions.

**Redcar and Cleveland Borough Council**

Notice is hereby given that Redcar & Cleveland recommend that planning permission not be granted for a specified period of at least 3 months, up to 27 September 2025.

Reason: No assessment has been undertaken of the effect traffic flows will have on Redcar & Cleveland's Road Network. Swans Corner Roundabout / Middlesbrough Road / A171 Ormesby Bank / Guisborough Road must be assessed. It is our view that the application does not currently accord with Paragraphs 109, 115 and 116 of NPPF.

Our Education colleagues are still reviewing the information and the latest TVCA projections and we will look to provide comments in relation to this matter as soon as possible. I would advise that S106 contributions may be sought in relation to education provision.

***Following a response being sent to the neighbouring authority and re-consultation, no further comments were received.***

**Active Travel England**

Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application. Our standing advice can be found here: <https://www.gov.uk/government/publications/active-travel-england-sustainable-development-advice-notes>

### **National Highways**

Referring to the consultation on a planning application received 21 July 2025 referenced above, in the vicinity of the A174 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we: offer no objection.

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

### **Archaeology Consultant**

No response received

### **Natural England**

No objection.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutory designated sites and has no objection.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant, but local bodies are consulted.

Natural England's further advice on designated sites/ landscapes and advice on natural environment issues is set out below.

#### European sites- Teesmouth and Cleveland Coast Special Protection Area

Natural England notes that your authority as competent authority under the provisions of the Habitat Regulations has screened the proposal to check for the likelihood of significant affects.

Your assessment concludes that the proposal can be screened out from other stages of assessment because significant effects are unlikely to occur either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

The following provides justification for this:

- Proposals will lead to an overall decrease in nitrate generation from the change in land use from cereals to residential/ green space.

#### Teesmouth and Cleveland Coast, Site of Special Scientific Interest

Based on the plants admitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

### **Environment Agency**

We have reviewed the additional information which we received via email on 17 November 2025, including the comments from Northumbrian Water. Based on this information, we confirm that our previously requested foul drainage condition, as detailed in our letter dated 4 November 2025, can now be removed.

We therefore have no objection to the application as submitted, noting that all built development is located within Flood Zone 1 and areas of the site in Flood Zones 2 and 3 will be green space only.

Separate to the above we also have the following advice to offer:

Scheme to treat surface water and construction run-off – Advice to Applicant

We note that surface water from the proposed development will be connected to the Northumbrian Water surface water sewer network. Whilst this means the water will not be directly discharging into a watercourse from the development, we urge you to consider the following points to minimise the impact on the environment.

- Treatment and removal of suspended solids from surface water run-off during construction works and site operation
- Approach to ensure no sewage pollution or misconnections
- Management of fuel and chemical spills during construction and operation, including the process in place to ensure the environment is not detrimentally impacted in the event of a spill

Water Quality Permit Requirements – Advice to Applicant

You do not require a permit if you are only discharging uncontaminated surface runoff. If you intend to discharge to surface water for dewatering purposes, this may be covered by a Regulatory Position Statement (RPS) for water discharge activities. If you can comply with all of the conditions within the RPS, then a permit is not required for this activity.

Please find the RPS conditions here:

<https://www.gov.uk/government/publications/temporary-dewatering-from-excavations-to-surface-water/temporary-dewatering-from-excavations-to-surface-water>

If any discharges do not fully comply with the RPS, then a bespoke discharge permit will be required. Please find guidance on applying for a bespoke water discharge permit here:

Discharges to surface water and groundwater: <https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits#standard-rules-permits-for-package-treatment-plants>

The linked page also provides contact information should you need assistance.

Water Resources – Advice to Applicant

If you intend to abstract more than 20 cubic metres of water per day from a surface water source e.g. a stream or from underground strata (via borehole or well) for any particular purpose then you will need an abstraction licence from the Environment Agency. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights.

Dewatering is the removal/abstraction of water (predominantly, but not confined to, groundwater) in order to locally lower water levels near the excavation. This can allow operations to take place, such as mining, quarrying, building, engineering works or other operations, whether underground or on the surface.

The dewatering activities on-site could have an impact upon local wells, water supplies and/or nearby watercourses and environmental interests.

This activity was previously exempt from requiring an abstraction licence. Since 1 January 2018, most cases of new planned dewatering operations above 20 cubic metres a day will require a water abstraction licence from us prior to the commencement of dewatering activities at the site.

More information is available on gov.uk: <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence#apply-for-a-licence-for-a-Previously-exempt-abstraction>.

#### Environmental permit - Advice to Applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environmentagency.gov.uk](mailto:enquiries@environmentagency.gov.uk).

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

#### **Ecology/Biodiversity Net Gain Consultant**

##### ECIA Report

After reviewed the ECIA report, it seems to be concise and well structured. Biodiverse have made recommendation, which should be followed and monitored prior and throughout the works, listed below:

- Further aerial inspection surveys and a Precautionary Working Method Statement (PWMS) for bats.
- Construction and clearance to follow the Construction Environmental Management Plan (CEcMP) and Herpetofauna Method Statement.
- Pre-work checks for badgers.
- A wildlife-sensitive lighting scheme.
- An invasive species method statement.
- Creation of compensatory habitat for bats, birds, and great crested newts (GCN).
- Habitat management under a Habitat Management and Monitoring Plan (HMMP).
- Incorporation of nesting and roosting features for bats and birds, plus refugia for GCN.

It is worth noting that this last point should be enforced — contractors have frequently failed to deliver on these commitments / actions.

##### BNG Assessment Report

The BNG assessment seems thorough and looks to covers all essential / required elements. The gains achieved are calculated to exceed baseline requirements.

Summary of net gains:

- Total habitat units: +4.25 (10.01% net gain)
- Total hedgerow units: +10.65 (84.24% net gain)

With these figures, the site looks to meet BNG trading standards. The only outstanding deliverable is the final Habitat Management and Monitoring Plan (HMMP).

In addition to the points above, we wish to clarify that these observations do not indicate our support for—or objection to—the proposed development.

I note that this is a substantial scheme with the potential for localised adverse effects on the surrounding environment. In particular:

- Loss of mature hedgerows and the habitat connectivity they provide
- Reduced hunting and feeding sites for bird populations
- Presence of wildlife using the site that isolated surveys may not detect

#### **Northumbrian Water**

In making our response to the local planning authority Northumbrian Water assesses the impact of the proposed development on our assets and assesses the capacity within our network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/services/developers/>

We have no issues to raise with this application, provided it is approved and carried out within strict accordance with the submitted document entitled “Flood Risk Assessment and Drainage Strategy dated May 2025”. This document reflects our pre-planning enquiry advice identifying connections at manhole 5008 for foul flows and at manhole 6101 at a maximum rate of 58l/s (to include flows from adjacent care home).

We request that a condition is attached to a planning approval, so that the development is implemented in accordance with the above named document.

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developer's approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option. They are not part of any approval process for determining whether the proposed drainage layouts / design put forward at the planning stage satisfies the adoption criteria as set out in the Code for Sewer Adoption (sewer sector guidance). It is important for developers to understand that discussions need to take place with Northumbrian Water prior to seeking planning permission where it is their intention to offer SuDS features for adoption.

Please note that the site lies within drainage area 11-D47. This drainage area discharges to Bran Sands Sewerage Treatment Works, which is named on the Nutrient Neutrality Budget Calculator.

#### **Northern Gas**

Northern Gas has no objections to these proposals, however, there may be apparatus in the area that may be at risk during construction works that should the planning application be approved, then we would require the promoter of these words to contact us directly to discuss our requirements in detail. Should diverge reworks be required these will be fully chargeable.

We enclose an extract from our means records of the area covered by your proposals, together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by Northern Gas Networks in its role as a licenced gas transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where Northern Gas Networks knows these they will be represented on the plans as a shaded area and/ or a series of x's. Information with regard to such pipes should be obtained from the owners.

### **Secured by Design – Cleveland Police**

Cleveland Police encourages applicants to build/refurbish developments incorporating the guidelines of Crime Prevention Through Environmental Design (CPTED).

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 Residential Guide 2025 Guide at [www.securedbydesign.com](http://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. 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 Secured by Design Residential Guide highlights that the concepts and approach adopted within this guide can be used to influence strategic planning policies, in support of Paragraph 102a of the NPPF.

- The National Planning Policy Framework 2024 paragraph 96(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 2024, paragraph 135(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](http://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 tested and certified PAS24:2022/2016 standards (or equivalent) Roof lights are also included in this. This includes garage doors. These must 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 any proposed garage doors and side in curtilage parking areas, particularly those that are 50% or more of the length of side elevation of plot it serves. .
- ALL roadways and pathways, adopted or otherwise, are recommended to be to BS5489-1:2020 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.
- All proposed side and rear treatments onto public realm are recommended to be 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.
- Defensive planting to external façade of boundary treatments backing onto open space should be considered also and is strongly recommended.
- Locate all side boundary treatments as far forward to the front elevations of the properties as possible to eliminate recesses.
- Boundary treatments between rear gardens are recommended to be 1.8m in height. This is the proposal in this development and is supported.
- Often these rear side treatments are proposed to be lower-level post and rail, this option offers neither security or privacy and I would recommend against it.
- Defensible space to each plot is an important consideration.
- Ginnel access serving several rear gardens should be avoided where possible
- If they are deemed necessary, a lockable gate is required at initial access point as well as each individual garden. Again, I do not believe these are intended in this proposal.
- Any proposed PROW, informal pathways, cycle lanes etc. are to be incorporated into active street frontages to avoid creating potential crime generators.
  - This has been adopted in much of this proposal, however the PROWs shown to sides of Plots 101, 102, 109, 110 and 182-191 are of a concern as these are making the rear of these properties vulnerable.
- Any proposed links to existing or future phases of development are to be afforded maximum surveillance, be formalised and be fronted onto.
- Vehicles should either be parked in locked garages or on a hard standing within the dwelling boundary.

- Where communal parking areas are necessary, bays shall be sited in small groups, close and adjacent to homes, be within view of active rooms and clearly marked, so that it is obvious which parking spaces belong to which dwellings.
  - The word 'active' in this sense means rooms in building elevations from which there is direct and regular visual connection between the room and the street or parking court. Such visual connection can be expected from rooms such as kitchens and living rooms, but not from more private rooms, such as bedrooms and bathrooms. Rear parking courtyards are discouraged for the following reasons:
    - They introduce access to rear elevations, which may leave dwellings vulnerable to burglary. In private developments, such areas are often left unlit and therefore increase the fear of crime. Ungated courtyards provide areas of concealment which can encourage anti-social behaviour.
    - Where rear parking courtyards are considered necessary, they must be protected by a gate, the design of which shall be discussed with the DOCO at the earliest possible opportunity. Where gardens abut the parking area an appropriate boundary treatment should be discussed and agreed by the DOCO.
    - Again, the above lighting specification standards apply.
    - At this stage I am aware these are not proposed which is supported.
- In relation to any proposed play areas...
  - Poorly designed and specified communal areas, such as playgrounds, toddler play areas, seating facilities have the potential to generate crime, the fear of crime and anti-social behaviour.
  - Facilities should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go.
  - Communal spaces as described above should not immediately abut residential buildings.
  - Play areas should ideally be designed so that they can be secured at night. This is to reduce the amount of damage and graffiti that occurs after dark. The type of fencing and security measures will need to vary to suit the area. However, consideration should be given to a single dedicated entry and exit point to enable parental/guardian control and supervision.
  - Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access.
  - The provision of inclusively designed public open amenity space, as an integral part of residential developments, should make a valuable contribution towards the quality of the development and the character of the neighbourhood.
  - To do this, it must be carefully located to suit its intended purpose – mere residual space unwanted by the developer is very unlikely to be acceptable. The open space must be inclusively designed with due regard for wayfinding, permeability and natural surveillance. Adequate mechanisms and resources must be put in place to ensure its satisfactory future management and maintenance.
  - Care should be taken to ensure that a lone dwelling will not be adversely affected by the location of the amenity space. It should be noted that positioning amenity/play space to the rear of dwellings can increase the potential for crime and complaints arising from increased noise and nuisance.
  - Fencing at a minimum height of 1.2m can often discourage casual entry, provide a safe clean play area, and reduce damage to the equipment.

- The specific requirements such as child safeguarding, preventing dogs entering, etc. should be discussed with the DOCO.
- Fixtures and fittings should be as resistant to damage and graffiti as possible.

### **Cleveland Fire Brigade**

There appears to be numerous 'private driveways' throughout the plan.

The following rows of plots have 'private drive' access that exceed the dead-end road condition as described in ADB V1 Para 13.4. Whilst in some cases the farthest dwelling may meet the 45m rule (ADB V1 Para 13.1), it is inevitable that appliances will access these areas to ensure that essential firefighting resources required at an incident are as close as reasonably practicable to ensure speed of response for any required rescues or firefighting measures. It would therefore be prudent to ensure that these roads meet the requirements of ADB V1 Table 13.1 with the amendments below in line with Note 1 of table 13.1.

The areas in question are 'Private Driveways' giving access to:

Plots 1 – 3, 4 – 6, 12 – 16, 17 – 20, 38 – 42, 43 – 45, 88 – 92, 103 – 110, 115 – 116 and 164 – 169.

We would be happy for some flexibility in the criteria described in ADB V1 Para 13.4 if these roads meet the above criteria.

Please confirm that the road adjacent to plot 195 is an adopted highway, if not the criteria in ADB V1 Table 13.1 with the amendments below in line with Note 1 of table 13.1 must be met.

Access and Water Supplies should meet the requirements as set out in:  
Approved Document B, Volume 1:2019, Section B5 for Dwellings.

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 18 tonnes. This is greater than the specified weight in AD B Vol 1Section B5 Table 13.1.

Cleveland Fire Brigade also utilise Emergency Fire Appliances measuring 3.5m from wing mirror to wing mirror. This is greater than the minimum width of gateways specified in AD B Vol 1Section B5 Table 13.1.

Cleveland Fire Brigade is fully committed to the installation of Automatic Fire Suppression Systems (AFSS) in all premises where their inclusion will support fire safety, we therefore recommend that as part of the submission the client consider the installation of sprinklers or a suitable alternative AFS system.

Further comments may be made through the building regulation consultation process as required.

### **Nunthorpe Parish Council**

Nunthorpe Parish Council hereby registers its objection to this application for the following reasons

#### 1. Consultation Misrepresentation

The applicant states that Nunthorpe Parish Council has been consulted. Although an invitation was offered to nearby residents to attend a single event for Story to outline its plans, enabling some Parish Councillors to attend as residents, there was no attempt by

Story to consult with the Parish Council. Parish Councillors who attended this event were informed that Story had undertaken no research into local community perspectives, and had not read the emerging Nunthorpe Neighbourhood Plan.

2. Incompatibility with the Planning Requirements of Middlesbrough Council.

The 2025 Nunthorpe Grange Design Code (including updated Masterplan) confirms its own status as the core planning framework, alongside the 2014 Middlesbrough Housing Local Plan, the 2025 Middlesbrough Publication Local Plan (including Policy H04d), the 2011 Nunthorpe Design Statement, and several other policy documents established by Middlesbrough Council. The application from Story quotes selectively from different documents to support its case, rather than complying consistently with the updated planning requirements, as set out in the 2025 Nunthorpe Grange Design Code and the 2025 Publication Local Plan.

Significant deviations are:

(a) Housing Density

The application for 205 dwellings, when combined with the application from Persimmon Homes to construct 69 dwellings, results in a total of 274 houses for Nunthorpe Grange - in excess of the 250 authorised by the 2025 Nunthorpe Grange Design Code, as endorsed in Middlesbrough's 2025 Publication Local Plan and its predecessor, the 2014 Housing Local Plan.

This excess of 24 houses becomes particularly significant in the context that the 250 dwellings relate to the whole of Nunthorpe Grange, whereas the Story / Persimmon site is considerably smaller, with the land available for housing at Nunthorpe Grange being re-defined to exclude the sites for a Plymouth Brethren Hall and a Residential Home. In short, building 205 dwellings on a reduced site would increase the overall housing density of Nunthorpe Grange.

(b) Housing Type

The Story application does not incorporate a mix of dwelling types. In contrast to the planning framework (2025 Local Plan and 2025 Masterplan) and the well-established needs of Nunthorpe and Middlesbrough, no bungalows and no affordable houses are planned on the Story site.

Story's Design and Access Statement claims that "the scheme is designed to accommodate a range of household types and life stages, ensuring that it meets both current and future housing demands within the local area", supporting "inclusive communities as outlined in the Local Plan". Despite these words, Story's aim is clearly to provide "executive" housing for those who desire large homes, and can afford them. The Story plan proposes eleven 6-bedroom houses, only 26 with 3 bedrooms, and no houses with fewer than 3 bedrooms. This focus on larger detached housing distorts the 2025 Masterplan requirement that the site has been allocated predominantly for homes with three/four bedrooms in detached or semi-detached houses and/or low-rise flats, and that "the development must also ensure that provision is made for single-storey accommodation to meet the needs of an aging population" (section 4.11.). It contrasts with the support in the 2025 Publication Local Plan for bungalows (Policies H04d and H03). It also overlooks the evidence that single-storey dwellings are particularly sought after by Nunthorpe's more elderly residents; and that the almost exclusive focus of all Nunthorpe's recent housing estates on larger detached houses has exacerbated the need for affordable housing in Nunthorpe.

It is sometimes alleged that developers seek to focus on large executive houses because these maximise profit for a developer. However, most developers not only comply with the planning framework, but are keen to promote their contribution to wider social needs. For example, within the private housing estate of Ashwood Grange (Middleton St George), Story Homes is providing 26 affordable homes, including 17 two-bed bungalows - exactly the mix of dwelling types which is needed in Nunthorpe, and which is not provided in Story's proposal for Nunthorpe Grange.

(c) Green Space

The Story proposal is to provide approximately 3.79 hectares of publicly accessible open space. It is claimed that this exceeds the requirements in the various planning documents since Policy H29 of the 2014 Local Plan stipulated approximately 3 hectares of land for public open space / recreational purposes. However, Story proposes that the 3.79 hectares includes a number of large SuDs, incorporated in the plans for drainage purposes, thereby reducing the effective allocation for community use. Therefore, the statement about 3.79 hectares for publicly accessible open space is misleading and incompatible with the planning requirements.

For example, at the Village Green, 40% of the so-called "public open space" is a SuD. In addition, not only would the SuDs take up a significant amount of the green space directly for drainage purposes, but they would also indirectly neutralise use of much of the surrounding land as being inappropriate for public enjoyment, due to the need for slopes towards the SuDs and the related need for safety buffers.

Furthermore, experience in Nunthorpe is that the SuDs are likely to be unsightly, becoming a negative rather than a positive component of the public green spaces. The Story plan is therefore an unacceptable proposal to reallocate a significant area of land from accessible public open space to inaccessible drainage areas. The 2025 Masterplan states that SuDs which "do not contribute to the design ethos for the development will not be supported" (section 7.2), and it is notable that the Masterplan does not have a SuDs dominating the Village Green (section 7.16) which is meant to be "a space for families, informal gatherings and public events" (section 1.2.).

3. Lack of Infrastructure for Vehicles and Pedestrians

The Story proposal envisages vehicular access to and from this development will be via a single point on the A1043 Bypass, shared also with all residents of the Persimmon houses - ie a total of 274 households. From the nature of the dwellings (likely to be occupied by affluent families with several cars) and the number of car-park spaces on the Story site (635), it can reasonably be expected that at least 300 cars will be attempting to access the Bypass during peak hours. However, the Story submission does not even propose traffic lights at the single access point.

Such an omission is likely to be of concern to a Planning Inspector. The recent report by the Planning Inspector in relation to the adjacent Persimmon site expressed some concerns about what he regarded as only interim arrangements for access at the single location on the Bypass during construction by Persimmon and Story Homes. However, he expressed himself to be satisfied with what he regarded as a clear commitment to a roundabout at this junction to facilitate access by residents of the Story / Persimmon developments - unaware that Middlesbrough Council appears to have abandoned this idea in the 2025 Masterplan (paragraph 53). Therefore the absence of a coherent plan for vehicular access in the Story proposal is a potentially

critical consideration for the Planning Committee, unless the Planning Inspector is correct in his assumption that a roundabout will be erected.

Story's Planning Statement notes that "the site is within walking distance of the existing local residential areas, Nunthorpe's local centre, and its railway station. Those destinations can be accessed via Stokesley Road and Guisborough Road, which both include footways and street lighting along their entirety"(section 2.5). This statement is misleading. It omits to mention that both Stokesley Road and Guisborough Road have a single, narrow footway on only the opposite side of the road to the Story site. Pedestrian access from the new development to the bus-stop on Guisborough Road would require construction of a footpath along Guisborough Road as part of the development. The 2025 Nunthorpe Grange Design Code requires construction of a safe crossing point and a footpath along Guisborough Road to the bus stop (section 3.1.), but this does not appear to be a feature of the Story proposal.

#### Conclusion

For these reasons, Nunthorpe Parish Council strongly objects to the application by Story Homes for permission to construct 205 dwellings at Nuntjorpe Grange.

The Parish Council recommends that the application be withdrawn, and that the Management of Story Homes consults with Nunthorpe Parish Council about alternative proposals which are compatible with the planning framework and with the enjoyment of the site not only by future residents of Story Homes but also by the existing community of Nunthorpe residents.

#### ***Following receipt of the revised scheme further additional comments were received.***

In addition to the objection to this initial planning application. Nunthorpe Parish Council wish to submit further objection to the revised application for the following reasons:

1. There remains a distinct lack of useable public open space for recreational use or play areas. This goes against guidance set out in the Masterplan for this area.

The majority of 'green space' allocated is that which surrounds SUDs areas. Play equipment areas identified appear to be ad hoc with two Children's play areas in very close proximity to a large SUDs. The Children's 'leap area' is close to the revised PROW route, a right of way used by many, including dog walkers, which we deem as an unacceptable location. Trim trail areas are also confined to perimeter footpath areas of the development.

2. Nunthorpe Parish Council acknowledge the revision of housing types included in the application. However, goes against requirements outlined in the Nunthorpe Grange Masterplan for the area for the following reasons.

- a) the number of bungalows (8) equates to only 4% as opposed to the 10% outlined in the Local Plan and Masterplan
- b) Proposed bungalow are of 2 storey, dormer style 3 bedroom properties. As oppose to the requirement of 'single-storey accommodation that meets the requirement of an ageing population.....'.
- c) The design of the 2 storey 3 bedroom bungalow in the application does not appear to meet the requirements of an ageing population in Nunthorpe looking to 'downsize'.
- d) There is a discrepancy within the revised documents submitted on the design of the proposed bungalows. Document PLN2\_Nunthorpe\_General\_Arrangement\_(P5).pdf

indicates 3 bed detached bungalow with integral single garage. However document Walton\_(NE)\_ -\_A25\_PD.pdf which show the proposed layout of a 3 bedroom detached bungalow, does not include an integral garage in the proposed design/build.

e) The revised application is also unclear on what proposed parking arrangements are available with the proposed bungalows.

3. It appears from the application that there is to be a left hand turn only in and out of the development. Whilst this could be understandable along a route that bypasses Nunthorpe. It will only further add to traffic congestion heading North and South of the development at Swans Corner and Poole Roundabout. Culminating in congestion at both ends of the bypass and arterial routes of Dixon's Bank and Ormesby Bank into Middlesbrough.

Consideration should be given to reinstate plans for traffic control measures for entry and exit into the development from the A1043

With the added lack of access onto A174 from Ormesby Bank. Motorists will undoubtedly resort to travelling along Guisborough Road to access Dixon's Bank or even cut along Stokesley Road. Both of which are also used as pedestrian routes to local schools.

**Parish Councillor Russell Lynch**

I object due to lack of traffic, school and public amenities infrastructure.

**Nunthorpe Community Council**

No response received

**Former Ward Councillor McClintock**

While Morgan McClintock is no longer a Ward Councillor, he submitted comments in objection to this application when he was in the role.

As a Ward Councillor for Nunthorpe, I have a number of significant concerns about the application from Story Homes. Instead of repeating the rationale for my objection, I endorse the detailed statement submitted by Nunthorpe Parish Council, to which I have contributed as a Parish Councillor.

**Ward Councillor Smiles**

As an elected member for Nunthorpe, I wish to formally object to the planning application for the development of up to 205 dwellings at Nunthorpe Grange.

This application raises serious concerns in terms of infrastructure, community impact and the environment. My objections are outlined below.

**1. Pressure on infrastructure**

The scale of the proposed development would place significant pressure on already stretched local infrastructure.

- Roads: I am very concerned about the impact on roads, particularly the A1043, Stokesley Road and Guisborough Road. This development would exacerbate congestion. This is mainly a car-dependent location and there are already serious concerns about road safety.
- Schools: There is already pressure on school places within Nunthorpe and surrounding areas.
- Health services: Local GP practices and pharmacies are already under strain. A further 200 households would vastly increase the pressure on these services.

**2. Loss of green space**

The site is a cherished local green space, frequently used by residents for walking and recreation. It is a key part of Nunthorpe's rural identity and character.

**3. Environmental harm**

- I am concerned about the impact on hedgerows, trees and local wildlife including bats, nesting birds and hedgehogs.
- The potential for flooding

**4. Housing density and mix**

The scale (205 dwellings) exceeds the original 250-dwelling cap for the wider allocation and contradicts the character of the area.

Bungalows do not feature in this plan, and yet this is the kind of housing that is required for Nunthorpe as older residents downsize.

I would welcome the opportunity to speak further on this matter and to represent the concerns of my residents.

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## PLANNING CONSIDERATION AND ASSESSMENT

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1. During the application process revised details were submitted in response to comments on the proposed development. The revised details included changes to the layout, the addition of a bungalow house type, alterations to the position of play areas and trim trails, changes to the landscaping and SuDS, changes to and additional pedestrian and cycle links, and details of the proposed level changes. Following receipt of the revised scheme neighbours and consultees were re-consulted. The revised scheme is the subject of this report.

### **Principle of Development**

2. The application site is allocated for housing in the Local Plan under Policy H29.
3. The Council is currently reviewing its Local Plan. The Publication Local Plan (PLP) was approved by the Council on 5th March 2025. The NPPF sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the NPPF. It is considered that some weight may be given to most PLP policies in the determination of current planning applications however, it is noted that there are objections to the allocation policy for this site, policy HO4d giving it limited weight in some regards.
4. The principle of residential development has been established through the allocation of the site in the current local plan and the PLP. Planning permission has also been granted for 69 dwellings on part of the wider site.
5. Local Plan Policy H1 identifies Land at Nunthorpe as a strategic housing location, for a maximum of 600 dwellings. Policy H11 identifies Nunthorpe for 595 dwellings, which includes Grey Towers Farm (within which the application site lies) (295 dwellings), South of Guisborough Road (250 dwellings) and Ford Close Riding Centre (50 dwellings), as allocated in Policy H31.

6. However, Policy H1 advises that proposals for more than the maximum dwelling requirements will be considered where it can clearly be demonstrated through a design led approach and having regard to the characteristics of the surrounding area and any site specific policy requirements that an alternative capacity is more appropriate.
7. Policy H29 sets out that development of the wider South of Guisborough Road (known as Nunthorpe Grange) allocation site should provide a maximum of 250 predominantly three and four bedroom detached and semi-detached dwellings. The potential 274 dwellings at the site would exceed the maximum number of dwellings specified in this policy.
8. Following changes in the NPPF, any local plan policies that restrict the number of dwellings on a site have to now be considered to be out of date and not in line with national planning policy guidance which seeks to support developments that make efficient use of land where housing isn't limited by number, but density is instead based on a design led approach. This view has been upheld at appeal by the Planning Inspector through multiple appeal decisions in Middlesbrough including in their determination of an appeal (APP/W0734/W/20/3262389) in relation to the adjacent land on the allocation site. As such, it is considered that the requirement for a "maximum" of 250 dwellings identified in Policy H29 and maximum of 600 dwellings identified in Policy H1 cannot be given weight in the determination of the current application.
9. Policy HO4d of the PLP reflects the policies within the NPPF with the site allocated for "approximately" 250 dwellings rather than a maximum number of dwellings.
10. Policy H29 requires dwellings to be predominantly three and four bedroom detached and semi-detached dwellings. Of the 205 proposed dwellings 142 (69%) are three and four bedroom detached and semi-detached properties. This is in line with the policy requirements. PLP policy HO3 expects residential development to provide a range of dwelling types, tenures and sizes including 10% to be M4(2) accessible and adaptable dwellings which are aimed at providing accommodation for people with disabilities and which can be adapted to support such living requirements. The proposed development provides a mix of house types ranging from bungalows to 2 ½ storey dwellings with smaller 3 bed properties up to large 6 bed properties. Of the proposed dwellings 119 (58%) are M4(2) compliant.
11. The PLP also includes requirements for 10% of dwellings to be bungalows, 2% to be M4(3) wheelchair adaptable dwellings, and the provision of self-build or custom-build plots to be included in the housing mix. These requirements in the emerging policy have been subject to a number of unresolved objections during the consultation phase of the adoption process. As such, it is considered that limited weight could be given to these emerging policy requirements with regard to the housing mix.
12. The Nunthorpe Grange Design Code (2025) (NGDC) sets out development guidance for the wider allocation site. It is not a prescriptive document, any development on this site can vary from the design code providing it still reflects the high quality aspirations of the guidance. Whilst it is not formally a Supplementary Planning Document, it can be a material weight in the determination of this

planning application and replaces the previous Design Code adopted in 2019. It therefore needs to be considered in reaching a decision on this application.

13. The NGDC includes an indicative masterplan that illustrates the essential components that are to be integrated into the layout and design. The design code requires that provision is made for bungalows, it then makes one reference to single-storey accommodation to meet the needs of an aging population. The NGDC does not specify a particular amount of bungalows on the site.
14. The proposed development does include 8 (4%) bungalows. Given the limited weight that can be applied to the PLP in this regard, and the NGDC being guidance only. It is considered that the provision of 8 bungalows on the site, coupled with 58% of dwellings being M4(2) compliant, the number of bungalows proposed is an acceptable provision.
15. Policy H29 states that the site will not be brought forward until an agreement on the provision of a park and ride facility has been secured or the Longlands Road to Ladgate Lane have been secured and a timetable for implementation agreed. Agreement on either scheme has not been secured, nor has a timetable for implementation. The proposed development is, therefore, contrary to this aspect of the policy. Policy HO4d in the PLP does not include this requirement, requiring instead any necessary off-site improvements to transport infrastructure, thereby moving away from specifically naming these previously intended highway schemes which lie in the adjacent authorities boundary.
16. Policy H29 sets out further criteria (a) to (n) that development proposals will be expected to meet. The application proposals are in broad accordance with these criteria.
17. Policy H12 requires housing developments in Nunthorpe ward to provide a 15% affordable housing contribution. Policy H29 criterion (k) seeks the provision of 15% affordable housing either on-site or an equivalent off-site financial contribution. The NGDC also allows for an offsite contribution for affordable housing. Policy HO5 of the PLP requires a minimum of 15% of the homes to be affordable but allows for off-site provision or a financial contribution in lieu of on-site provision in some circumstances. The applicant intends to provide a financial contribution in lieu of on-site affordable housing. While this is not in line with the emerging policy which has some weight, it is in line with the current policy for the site and also the recent appeal decision on the adjacent land which is part of the wider site. For these reasons the affordable housing provision via a financial contribution is considered acceptable in this instance.
18. Policy CS4 requires that all development contributes to sustainable development. This includes encouraging sustainable forms of transport. The site is adjacent to bus routes and includes proposed cycle path and footpath connections to the north and south. Policy CS4 also includes incorporating on site renewable energy facilities. Photovoltaic panels are proposed on the roofs of the dwellings. This also aligns with the requirements of Nunthorpe Design Statement.
19. Policy CS5 requires all development proposals to demonstrate high quality design that enhances both the built and natural environments. Section 2 of the Urban Design SPD provides further guidance on residential development. Emerging

Policies CR1, CR2 and CR3 in the PLP collectively require all development proposals to be sustainable, well-designed, and of a high quality.

20. Policy HO4d of the PLP also includes a number of other criterion including: (i) provide a minimum of 3ha of land as a park/public open space for recreational purposes, (j) the provision of a landscaped gateway from the A1043, (k) provide pocket parks, (n) create a wildlife habitat area of minimum 3.5ha in the part of the site within flood zones 2 and 3, (o) maximize the use of SuDS and natural pond areas where appropriate and, (q) the incorporation of vistas of Roseberry Topping and St Mary's Church from public open space. A community hall and medical facilities have already been provided on the wider site and are not required as part of this proposal.
21. Policies CS17 requires development to be located where it will not have a detrimental impact upon the operation of the strategic transport network and will contribute to the delivery of a sustainable transport network. Policy CS19 requires that development proposals will not have a detrimental impact on road safety. CS18 requires that development proposals improve the choice of transport options, including promoting opportunities for cycling and walking.
22. Policy E49 identifies the A172 Marton/Stokesley Road as a main approach route to Middlesbrough and requires that development visible from these routes has particular regard to the quality of design and landscaping of the proposal.
23. The site is within the minerals safeguarding area for gypsum and for salt. Policy MWC4 allows non-minerals development, where the need for that development can be demonstrated to outweigh the need for the mineral resource. Given that the site is allocated for residential use the need for the site to come forward for housing rather than for minerals extraction has already been established.
24. The proposed development should also be considered against the requirements of the Nunthorpe Design Statement SPD (NDS).

## Highway Related Matters

### Highway Network Impact

25. This application seeks consent for 205 dwellings on the site. This quantum of development has been tested within the authorities strategic Aimsun model for assessing the impact of development traffic on the road network. The proposed scheme would generate in the region of 130 vehicle movements during the AM/PM peak network periods. The Aimsun assessment considered the impact of development taking into account committed development and the Publication Local Plan sites to ensure a robust assessment for the impact in future years. Highway modelling demonstrated that subject to the highway interventions set out within the emerging Local Plan that the proposed development will not have a material impact. The interventions detailed within the emerging local plan relate to works to increase capacity at existing junctions within the south of the town.
26. In order to ensure this proposed scheme mitigates its own proportional impact of traffic it will generate, officers have negotiated a S106 contribution which will be used towards measures identified within the PLP and associated highways

Infrastructure Delivery Plan (IDP) to ensure their delivery, a contribution marginally in excess of £1.5m as detailed in the S106 requirements section of this report.

Site Access

27. The design guide for the site and associated local plan policy for the allocation states that there should be a single point of access to the A1043. There have been 2 access points into the Nunthorpe allocation approved and the situation is summarised below;
  - a) 18/0757/FUL – Middlesbrough Council (as land owner) were granted consent to deliver a 4 arm roundabout which would serve the whole Nunthorpe Grange allocation. Whilst not fully constructed, sufficient works have been undertaken to result in this having being technically commenced, and therefore this permission is extant, meaning it can be completed as approved in the future.
  - b) 20/658/FUL – Persimmon Homes have been granted consent on land which forms part of the wider Nunthorpe Grange allocation to the east of the current development proposals. Persimmon's consented scheme is accessed via a right turn ghost island onto the A1043, however a S106 Agreement forming part of that consent requires this access to be removed and reinstated once a single point of access to the Nunthorpe allocation is introduced.
28. This current application proposes access to be via a right turn ghost island that will be located on the A1043 bypass, in the same area as the previously approved roundabout. As such the current proposals are simply changing the form of the access into the site allocation from a roundabout to more typical junction arrangement. There are no objections to this approach, and it is considered that the proposed junction is suitable to serve the allocation with modelling demonstrating that it will operate satisfactorily. In addition to the S106 requiring Persimmon to remove their access the current application being considered will have a S106 obligation to ensure that the internal access road is in place in a suitable timeframe to facilitate access to the adjacent scheme and enable their temporary access to be removed. This will then leave a single point of access to the A1043 as per the design guide and policy.

Sustainability Relating to Highway Matters

29. A number of physical intervention works are proposed as part of the development, these are summarised below;  
Guisborough Road
  - 2 crossing points being provided consisting of a Zebra crossing to the west of the site frontage and an uncontrolled crossing (dropped kerbs and tactile paving) to the east of the site frontage
  - Footway linking the existing footway which currently terminates at the Stokesley Road/Guisborough Road junction to the proposed Zebra crossing
  - Footway linking the existing PROW running north/south on the Eastern boundary of the site to the existing westbound bus stop on Guisborough Road
  - Improvements to inbound and outbound bus stops consisting of easy access kerbs, bus stop flags and shelters

A1043

- A pedestrian crossing facility within a landscaped island is to be provided which will assist with those using the existing PROW to cross the bypass, a facility which does not currently exist
- A crushed stone footpath to link the existing PROW on the south side of the A1043 will be provided to connect the PROW to the proposed crossing point

30. The internal scheme layout provides north/south and east/west strategic shared pedestrian/cycle routes that are 3.6m wide. Such infrastructure will connect into infrastructure provided by Persimmon Homes to the east. To the west Story Homes will be providing a continuation of the 3.6m pedestrian/cycle route which will connect to the Poole hospital roundabout. This link falls outside of the application site but is on land owned by MBC, who have agreed to provide access to the developer in order for them to deliver this infrastructure. This approach results in strategic ped/cycle routes linking Guisborough Road to the A1043 and Poole hospital roundabout to Nunthorpe Gardens and as such ensures that the site is fully integrated and connected into the adjacent area. This in turn provides a good provision of sustainable travel options for residents of the scheme and those in the surrounding locality.

31. The above works will be secured through condition and delivered through Agreement(s) under the Highways Act 1980 to the standards and specifications of the Council.

32. In addition to the above the developer has agreed to provide a £300 Travel Voucher to each dwelling (totalling £61,500 max. across the site) to be used towards public transport passes or purchase of cycles/cycle accessories to incentivise non car travel. This initiative will be secured through the S106 Agreement associated with the granting of any planning consent as detailed in the S106 section of this report. The pedestrian and cycle links and travel voucher incentives are considered part of the overall schemes positive sustainable credentials which allows it to comply with the sustainability requirements of local plan and national policies in this regard.

33. Active Travel England have been consulted on the application and have raised no concerns regarding the sustainability of the site and the provision of pedestrian and cycle connections. It is considered that the design/layout of the site in conjunction with the proposed highway works and S106 initiatives will assist in making the site easily accessible by non-car modes to residents and as such proposals are considered to be sustainable.

#### Other Highways Matters

34. Redcar and Cleveland Council initially raised questions regarding the assessment of any impact on their network. Redcar and Cleveland were advised of the details within the Aimsun model. Following re-consultation they did not provide any further comments.

35. Vehicle swept path analysis has demonstrated that the internal layout is capable of accommodating refuse and other vehicles which will be using it. Car parking has been provided in accordance with the Tees Valley Design Guide for all properties including the proposed bungalows, and in-curtilage parking has been supplemented with areas of managed visitor/casual caller on-street parking. The internal road layout has been designed to naturally encourage low vehicle speeds with carriageway pinch points, shared surfaces and landscaped islands. The internal

layout will be designed, constructed and offered for adoption through agreement under the Highways Act.

36. The development is in accordance with the requirements of Policies DC1, CS4 and CS5 of the local plan, Policies CR2 and CR3 of the PLP and Policies T1, T2 and T3 of the NDS.

### **Environmental Matters**

37. The application has been submitted with supporting documents assessing air quality and noise in relation to the surrounding highways as well as site contamination. The Council's Environmental Health Service has confirmed that they have no objections to the proposed development subject to relevant conditions being imposed in relation to appropriate assessment and remediation of any contaminants which may be present on site.
38. In relation to noise specifically, a noise attenuation treatment is required to protect the rear gardens of a number of the proposed properties from the road noise associated with the A1043 bypass which lies to the south of the site. The council's Environmental Health team have accepted the findings of the reports and recommended conditions be imposed to ensure the development is undertaken in a manner which will allow future occupiers of property to achieve reasonable amenity through the prevention of undue noise pollution.
39. The development is considered to be in accordance with the requirements of Policy DC1 of the local plan and Policy CR2 of the PLP in these regards.

### **Amenity**

40. The proposed dwellings have been assessed in relation to Nationally Described Space Standards which government has set out. The dwellings all meet or exceed the space standards both in terms of the gross internal floor area and the size of the individual bedrooms. They are considered to have a good internal arrangement and provide sufficient useable space for future residents.
41. Whilst the proposed development primarily adjoins open space or roads, there are some existing residential properties located adjacent to the site. Whilst the site is generally flat in these locations the development seeks to raise the ground level on the application site to accommodate drainage infrastructure to reduce the need for above ground pumping stations within the development. The areas of raised ground level along the boundaries of the site with the existing residential properties and the sports field have been given particular consideration in the assessment of this application to ensure there are no undue impacts on residential amenity as a result of this.
42. To the north west of the site, the properties of 188 Guisborough Road, 13a and 17 Stokesley Road, and 2 and 3 The Woodlands share a boundary on the north western part of the site. The existing properties include two 2-storey dwellings and the rest are bungalows. Significant changes have been made to the proposed development along this boundary to ensure any impact on existing properties is reduced to a level that is not detrimental to the amenity of the residents, both in terms of privacy / overlooking and in terms of not being overbearing.

43. In this location the development includes a landscaped strip to separate the existing boundary line from the residential boundary of the proposed dwellings. The strip will protect the existing trees and foliage along the boundary and will enhance it with further planting to provide separation and a visual screen between the existing and proposed dwellings. The proposed dwellings will then sit on land at a level that is between 0.45m and 1.2m higher than the current ground level. The proposed dwellings along this section of the site are all bungalows with the gable ends facing the existing properties. The inclusion of bungalows in this location, the separation distances (which are in line with the guidance in the Urban Design SPD), the inclusion of boundary treatments, the landscaped buffer and the orientation of the properties, have all been considered in individual detail and combined, these would significantly reduce the visual impact of the proposed dwellings when viewed from existing properties from the initial proposals. The arrangement also ensures that the impact on privacy of both the existing and proposed dwellings is significantly reduced to a point which is considered to not be detrimental. The proposed dwellings are located to the northeast of the existing dwellings. As a result, there will not be a significant impact on sunlight to the existing dwellings. It is entirely accepted that the proposed scheme will notably change the character of immediate area of the existing properties, although this is inevitable where land is being developed for housing. What is important however is that the result is not unduly impacting on a reasonable amenity and privacy that occupiers adjacent to the site should be able to expect. This is considered to be achieved by the revised scheme.
44. To the north the site shares a boundary with Badgers Green which is a large property with a large garden. In this location the development includes a change in levels raised to between 0.75m and 1.5m. The change in levels would not be undertaken immediately adjacent to the boundary, but instead, set into the proposed plots creating a two-tier garden for the proposed dwellings. This is considered to provide protection to the substantial existing tree and hedgerow corridor along the boundary which screens the existing residential property and garden from the site. The separation distances from the proposed dwellings are in line with the guidance in the Urban Design SPD. Whilst there is a change in levels, the location of the existing dwelling, the separation distance from the boundary and the existing landscaped screening all ensure that the proposed development will not be dominating in its appearance when viewed from the existing property and will not have a significant detrimental impact on the privacy of the existing or proposed dwellings. Whist the properties are located to the south of the existing properties the separation distances and existing screening means there is no impact on light to the existing property.
45. No's 33 and 34 Nunthorpe Gardens are located further along the northern boundary. The ground level in this location will not be raised. The separation distances from the existing dwellings to the proposed dwellings is in excess of the guidance and is considered to adequately deal with levels proposed which are not significantly changed in this location. As a result, there will not be a significant detrimental impact on light or privacy to the residents.
46. The proposed development also includes raised ground levels around the boundaries with the Nunthorpe and Marton Playing fields. The changes in these locations are between 0.3m up to 1.95m (for a small section) with two-tier gardens for some of the proposed dwellings. Other properties are orientated so they are side on to the fields. While these properties will be on a higher level to the fields the existing landscaping will provide a significant screening. This will reduce the visual

appearance of the dwellings from the field and the existing public right of way which runs along the boundary outside of the application site.

47. The relationship between the proposed dwellings and the approved dwellings within the Persimmon Homes development on the adjacent site has also been taken into consideration. Where this development is adjacent to already approved dwellings the separation distances meet or exceed the guidance in the Design SPD resulting in no significant impact on the privacy or light to the approved or proposed dwellings.
48. Within the development site itself the properties, in the majority of instances meet or exceed the guidance separation distances. There are some locations where the distances are reduced but the shortfall is not significant and does not warrant the refusal of the application.
49. It is considered that the development will not have a detrimental impact on the amenity of any existing residents, and the layout and house types will ensure that new residents have adequate levels of amenities. The development is considered to be in accordance with the requirements of Policies DC1 and CS5 of the local plan and Policy CR2 of the PLP in these regards.

#### **Design/Layout/Streetscene**

50. The proposed development includes 14 house types which have been designed with some contemporary design features and finishing materials to enhance their appearance and the streetscene. The dwellings include a variety of heights, with bungalows (which include rooms in the roofspace), two-storey properties and two  $\frac{1}{2}$  storey properties where rooms exist within the roof space. The mix of dwellings incorporate projecting gable features, full height glazing elements, window detailing and surrounds, quoin stones, bay windows, dormer windows and canopies. The development also includes corner turn properties which have gable ends which include windows and features to break up highly visible gables and enhance natural surveillance in key locations. The dwelling types and materials are in keeping with the high quality aspirations of the Nunthorpe Grange Design Code (NGDC).
51. The NGDC requires bungalows to be erected at the site. Policies within the PLP also require bungalows at the site but can only be afforded limited weight due to objections to the policy. The proposed bungalows are small in terms of their height and include rooms in the roof space. The bungalow house type comprises two bedrooms on the ground floor, including a large master bedroom with an en-suite. A further bedroom is located in the roof space with a separate bathroom which is separated by a landing space.
52. While the NGDC refers to bungalows numerous times, it also makes one reference to single storey properties. Whilst noted, the PLP policies require bungalows but does not specify single storey properties. The provision of bungalows on sites has been debated in detail on other sites, with differing views as to what constitutes a bungalow, and whether it should be single storey only or whether there is opportunity for rooms within the roof space. Officers have considered case law in this regard, Ward v Paterson [1929] 2 Ch 396 defines a bungalow as a building of which the walls, with the exception of any gables, are no higher than the ground floor, and of which the roof starts at a point substantially not higher than the top of the wall of the ground floor, and it does not matter in what way the space in the roof

of a building so constructed is used. As a result, a bungalow does not specifically mean rooms cannot be located in the roof space. In this instance, the bungalows proposed within this scheme are considered to meet the legal definition of a bungalow. Furthermore, it is considered that a bungalow which includes rooms in the roof space can offer a wider variety for residents who may want a bungalow but who also want space for visitors. While the properties are not single storey, they are bungalows and are in accordance with the requirements of the PLP in terms of variety of house types, and the overarching aim of the guidance in the design code.

53. It should also be noted that there is a further area of land to the west of this site, between the site and the medical centre and community centre, which is also within the allocation and is specifically identified as an area for the provision of bungalows. This means that the provision of bungalows on the wider site may or is likely to be increased in the future.
54. The majority of properties on the site have parking located to the side of dwellings leading to detached garages towards the rear of houses in accordance with the design code. Where double width drives are located on key routes through the site the developer has narrowed the entrance points to the drives to reduce the amount of hardstanding and enhance the soft landscaped appearance of the streetscenes. This does not impact on the level of parking provision but increases the visual amenity of the area.
55. The layout has been designed so that properties front on to open spaces within the site including the large wildlife habitat area, the linear park and green corridors, play areas and landscaped SuDS features. The arrangement of the dwellings, highways including the walking and cycling routes are in keeping with the indicative sample areas set out in the NGDC. Further, the orientation of the properties and position of the open spaces allows for views over the hills to Roseberry Topping and the Captain Cook Monument, also being in accordance with the guidance set out in the NGDC.
56. The Parish Council have commented that they do not consider the placement of a play area near a public right of way used by dog walkers to be appropriate, but they have not specifically stated the reason why. The play areas will be enclosed with a boundary treatment where appropriate which will prevent dogs from accessing them. The play area specifically referred to by the Parish Council has been relocated at the request of planning officers as it was previously located near the entrance to the site adjacent to the A1043 access. This was considered to be an unsuitable location as it would have noise and traffic associated with it and should ideally be a more positive environment. The green spaces are connected with routes which pass by art features, trim trails and parks providing high quality circular leisure routes for residents as required by the NGDC and providing increased surveillance of the play areas. It is considered that the location is far more appropriate and safer for children. This also meets the requirement of policies in the PLP. Full details of the park, trim trail equipment and art features will be controlled by condition should this development be approved and will be required to provide features for all to engage with rather than being aimed at a single age range.
57. The high quality landscaped setting which is a key feature throughout the site is further enhanced through the use of high quality boundary treatments in key locations including stone walls, estate railings, brick walls and pillars with timber

infills. Hedges are also used to define residential boundaries to compliment the hard boundary treatments.

58. There are areas of lower density where properties are located on the edges of landscaped areas with higher density areas located further into the site. The overall density of the site is 21 dwellings per hectare. Whilst this is marginally over the figure set out in the design code (20 dwellings per hectare) it is considered to be acceptable in this instance due to the developments wider compliance with the design code in relation to open space provision, landscape setting, parking provision, house types and the high quality layout.
59. In view of the above, the proposed development is considered to be of a high quality design in terms of the proposed layout and the appearance of the dwellings, in keeping with the guidance set out in the NGDC and will result in an attractive streetscene to the benefit of existing and future residents. The development is in accordance with the requirements of Policies DC1, CS4 and CS5 of the local plan, Policies HO4d, CR1, CR2 and CR3 of the PLP and CA1, D1, D3, D4, D6, D7, G1, G2 and G3 of the NDS.

### **Flood Risk**

60. A Flood Risk Assessment has been submitted in support of the application. The site is within National Flood Zones 1, 2 and 3. Flood Zone 2 has a medium probability of flooding, between a 1 in 100 and 1 in 1000 annual probability of river flooding (1%-0.1%) in any year. Flood Zone 3 has a high probability of flooding, 1 in 100 or greater annual probability of river flooding (>1%) in any year.
61. The proposed development restricts built development to be within those parts of the site which lie in Flood Zone 1 which is classified as having a low probability of flooding, less than 1 in 1000 annual probability of river or sea flooding (<0.1%), residential dwellings are therefore an appropriate form of development in line with the NPPF technical guidance table 3. To further mitigate the risk of flooding of the proposed dwellings the finished floor levels for properties within the immediate vicinity should be set 600mm higher than the proposed 1 in 100 year flood levels.
62. Currently the site has a high risk of surface water flooding and overland flow with water running from the site unrestricted into the adjacent playing fields and creating a standing water issue. The proposed drainage strategy will ensure that post development, rainfall that would previously have cascaded across the site to low lying areas will be positively drained with site levels directing surface water away from buildings towards landscaped areas or impermeable areas which will be collected via gullies, linear drainage channels and guttering systems. This will reduce the amount of surface water run off towards the playing fields, thereby having a beneficial impact in this regard.
63. Properties that are located around the boundaries of the site will be at a higher level than existing ground levels with gardens stepping down to a lower level towards the boundary line. All plots that back onto the existing boundaries of the site will include drainage structures in the gardens to intercept any runoff generated from the rear gardens preventing runoff passing offsite.
64. The flood risk assessment also confirms that the site currently has a low risk of flooding due to ground water, sewer flooding, land drainage and artificial sources.

65. The drainage scheme will incorporate sustainable urban drainage (SuDS) principles. In the case of this development the scheme will include ponds and swales that will provide a drainage function but will also provide a high quality landscape setting and enhance opportunities for ecology on the site.
66. The Flood Risk Assessment and proposed drainage scheme has been considered by the Local Flood Authority, Northumbrian Water and the Environment Agency. No objections have been raised as they consider the proposals to be acceptable in principle and in accordance with their requirements subject to standard conditions being placed on the application. Final technical details of the drainage scheme will be dealt with by condition and consultation with the Local Flood Authority. The development is considered to be in accordance with the requirements of policies DC1 and CS4 of the Local Plan and policy CR2 of the PLP.

### **Ecology/Landscaping**

67. The application site comprises primarily agricultural field with some hedges and trees within the site and hedges and trees around the boundaries of the site. The agricultural grassland is not of any notable ecological value. The trees and hedges around the site and within the site have greater local value.
68. The site has been assessed in relation to a number of different species including bats, birds, badger and great crested newts. The presence of great crested newts has previously been found within one pond on the adjacent site. The proposed development includes the creation of a wildlife habitat in the northeast of the site in the location adjacent to the wildlife habitat area on the adjacent site. This, coupled with the wider landscaped areas within the development will help to provide an enhanced environment for the wildlife including terrestrial habitats suitable for foraging, sheltering and hibernation activities.
69. The ecology assessment sets out a number of recommendations to mitigate against harm to ecology and to provide enhanced opportunities for ecology on the site. These include bird boxes, bat bricks, log piles, hibernacula, insect boxes, hedgehog gaps and berry/fruit planting.
70. The majority of trees and hedgerow in and around the site will remain. Some sections of trees/hedgerow along the A1043 will be removed to allow for access to the site and within the site itself there are some areas of dense blackthorn and hawthorn scrub from outgrown mature hedge plants and hedgerows to be removed to enable the development. Within the site only 2 trees are to be removed.
71. The proposed development includes substantial tree planting along roads to create tree lined streets in line with the requirements of the NPPF. Additional planting will also be carried out along part of the western boundary to provide a buffer between the proposed houses and the existing houses in this location. The development also includes substantial hedge planting throughout the development and a substantial landscape scheme.
72. SuDS ponds are located in three locations through the site. The ponds are linked with green corridors which also connect to existing hedges and trees around the boundaries of the site. The development will provide a high quality landscape

setting but also provide connections and routes for wildlife to cross the site from east to west and north to south.

73. Comments have been received which state that the experience of SuDS in Nunthorpe is that they are unsightly being a negative rather than a positive component. It is the planning view that this is not necessarily the case and instead is very dependent on the specific design. SuDS can be detention basins where they are largely dry and only hold water in storm conditions, or they can be ponds, whereby they always hold some water but have capacity for more during storm conditions. The SuDS provision at the Grey Towers development is a prime example of how high quality SuDS ponds can be provided which becomes an attractive feature within a landscape setting and significantly raises the quality of a development. This view was reflected by the Planning Inspector when considering a planning appeal at the neighbouring Ford Close Riding site after they visited the Grey Towers site.

74. The NGDC which provides guidance for the development of the site sets out some requirements regarding the open space provision and wildlife habitat. The guidance states that a wildlife habitat zone of 3.5 hectares will be incorporated in the area to the west which is within flood zones 2 and 3. The proposed development includes 3.2 hectares of wildlife habitat (when coupled with the provision on the adjacent site which is within the wider site allocation). While this is marginally short of the 3.5 hectares set out in the guidance, we consider the reduced size is offset by the provision of SuDS ponds throughout the site rather than detention basins, with the connecting green corridors which support the wildlife habitat and wildlife movements through the site. This also serves to provide a high quality character area across the majority of the site which is based around water environment and landscaping. It is noted that Policy HO4d of the PLP requires a minimum of 3.5 hectares of wildlife habitat in the part of the site within flood zones 2 and 3 although only limited weight can be given to this specific policy due to challenges to that as an emerging policy. This does not alter the assessment of the wildlife habitat provision as set out above which is considered to be acceptable for this development.

75. The NGDC also makes specific reference to the provision of 3 hectares of open space referenced as a village green, which will also be a place for informal gatherings and public events. Comments have been received in relation to this requirement stating that the incorporation of SuDS features in the landscaped areas prevent the use of those spaces for community events. However, the design code is very clear that the 3 hectares of open space which will allow for public events incorporates the existing playing fields which the SuDS have no impact on.

76. The overall open space in the proposed development, excluding the wildlife habitat area, is 3.7 hectares. This exceeds the 3 hectares set out in the guidance and when added to the existing playing field the total is 5.4 hectares of open space. The position and scale of the open spaces proposed exceeds the guidance in the design code.

77. It should also be noted that there is a further area of land to the west of this site, between the site and the medical centre and community centre, which is also within the allocation and can provide additional development including further open space.

78. In view of the above matters, the proposed development is considered to meet the high quality aspirations of the NGDC in relation to the provision of landscaped spaces and wildlife habitat. The provision of open space and SuDS features on the site is also broadly in accordance with the requirements of the PLP.
79. It is considered that although the development will result in the loss of open field, the site is primarily of low ecological value as defined within the ecological assessment, and there is no clear reason to disagree with this. Furthermore, the creation of wildlife habitat, landscaped areas, appropriate planting, and species specific mitigation, will offer enhanced ecological potential and have a positive impact in accordance with the requirements of local plan Policy CS4, Policies NE4, CR2 and CR3 of the PLP and CA1, D4, D6, G1, G2 and G3 of the NDS.

### **Biodiversity Net Gain**

80. 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.
81. The application has been supported by a Biodiversity Net Gain Metric and Statement. The Biodiversity Report establishes the site's baseline biodiversity unit value of 42.43 habitat units and 12.65 hedgerow units. Following completion of the development the site will include 47.26 habitat units and 23.23 hedgerow units (through retention and creation) representing a gain of 11.39% in habitat units and 83.63% in hedgerow units respectively.
82. The provision of the 10% gain onsite meets the trading rules for this development and thus meets the mandatory Biodiversity Regulation requirements.
83. A Biodiversity Gain Plan and a final Habitat Management and Monitoring Plan (HMMP) will be required by a pre-commencement condition with a s106 agreement to secure a maintenance plan to give comfort to the planning authority that the BNG can be achieved for the minimum 30 years as is required.

### **Nutrient Neutrality**

84. 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 wastewater 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.

85. 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.
86. 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.
87. 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 which established the total annual nitrogen load the development must mitigate against.
88. There are a number of ways a development can mitigate against nitrogen, one of which is to include mitigation within the development itself. The proposed development provides the required mitigation through the development of the site and the creation of landscaped areas and open space.
89. The proposed development will not have an unacceptable impact in terms of nitrate generation/pollution as the applicant has been able to demonstrate acceptable mitigation. As a result, the scheme will not have a Likely Significant Effect. Natural England have confirmed that they have no objections to the development. On this basis the scheme is considered to be acceptable.

### **Community Facilities/Education**

90. Located within the wider allocated site a medical centre has been constructed to the east of this application site. A community centre is also currently under construction within the wider allocation site. These will provide facilities for existing and future residents. The site is also well connected with pedestrian and cycle routes to nearby facilities and infrastructure including local schools, shops on Guisborough Road and the newly erected pub / restaurant at the Grey Towers site.
91. The application has been assessed by officers in the Education Department. Typically, where schools within the catchment area of a site are projected to have a shortfall of places a s106 financial contribution will be requested, even if they currently have some surplus capacity. Assessments are made to consider projected shortfalls / insufficient places to accommodate the pupil yield from a new development and the catchment area of schools, along with the ability for a neighbouring school to provide for suitable expansion.

92. Based on the number of house types by bedroom sizes the pupil yield for the proposed development equates to / is estimated to be 77 primary school children and 45 secondary school children. When looking at the schools within the catchment area and the available places as at summer census day, the shortfall in primary schools places is 38 and the shortfall for secondary school places is 45. As a result, a s106 contribution of approximately £778,700 is required (based on standard DfE / Local Authority costings) towards both primary and secondary school expansion. This is detailed in the S106 section of this report.

### **Heritage**

93. A heritage assessment has been submitted which includes the details of a geophysical survey. The survey shows the presence of a number of anomalies. Some of these possibly relate to archaeological activity. It is therefore necessary to carry out further archaeology investigations in the form of trial trenching before works are carried out in the location of the anomalies. This matter can be controlled by condition which requires a Written Statement of Investigation to be submitted which will set out an appropriate programme of works and reporting. This will ensure that if there are any archaeological findings are appropriately secured and recorded.
94. The development is considered to be in accordance with the requirements of Policies CS4 and CS5 of the Local Plan and section 16 of the NPPF in this regard.

### **S106 Requirements**

95. Following the analysis of the application there are a number of s106 requirements for the site to ensure the development provides the required mitigation and is in line with local and national planning policy requirements. Some of the discussions in relation to specific s106 requirements are ongoing. The details below set out the current position in relation to the s106 requirements.

#### Affordable Housing provision

96. Affordable housing is required at a level of 15%. The proposed development is for 205 dwellings resulting in a need for 31 affordable dwellings. As set out in the principle of development section of this report, the developer will provide a financial contribution for the provision of affordable housing. The contribution will be no less than £2,170,000 towards the provision of affordable housing in the town as defined by the NPPF.

#### Highway Works

97. A contribution will be required towards local strategic road improvements as set out in the Highways section of this report, at a value of £159,295 per net developable hectare bringing the required contribution to £1,515,819.36 which will be used towards measures identified within the PLP and associated highways Infrastructure Delivery Plan (IDP).

#### Sustainable Travel Voucher

98. To promote and encourage the use of sustainable travel modes in line with local and national policy requirements, the developer will be required to provide Sustainable Travel Vouchers to the value of £300.00 to each household. The voucher will be redeemable against bus passes or cycling equipment.

Link Road

99. The main road through the proposed development will connect to the approved Persimmon development to the east. The phasing details for the provision of the link road connecting this site to the approved site will be set out through the s106 agreement. This in turn will allow for the removal of the temporary access to the Persimmon site.

Public Rights of Way

100. The s106 agreement will set out a requirement to provide a dedication agreement for new public rights of way that will be provided through the site.

Public Open Space

101. The s106 agreement will secure the provision and future maintenance and management of public open space within the site and the option for the future transfer of the public open space land to the Council at, or before, the end of a five year maintenance period.

Education

102. As set out in the education section of this report, it is necessary to secure financial contributions towards both primary and secondary school provision within the catchment area of the development site. The required contributions are: Primary School - £334,324.00, and Secondary School - £444,465.00.

Biodiversity Net Gain

103. The s106 agreement will secure the provision of a maintenance plan to give comfort to the planning authority that the BNG can be achieved for the minimum 30 years as is required and will allow for monitoring of the site by the planning authority.

**Other Matters**

Electric Charging Points and Renewable Energy

104. Each dwelling includes an electric vehicle charging point and a condition is recommended to control the inclusion of solar panels, or any other form of renewable energy, to some of the properties as only limited details have been submitted in support of this application.
105. The development is considered to be in accordance with the requirements of Local Plan policy CS4, policy CR2 of the PLP and policy D2 of the NDS.

Non-material Planning Considerations

106. A number of the comments made by residents are not material planning considerations, as a result they are not considered as part of the analysis of this application.
107. Whilst it is acknowledged that the construction of dwellings on the site will have an impact on neighbouring properties in terms of noise and disturbance during construction. This is not a material planning consideration, and a development cannot be refused on that basis. Developers have a right to build and separate legislation controls working hours on site, matters relating to dust and noise from construction. Any noise and disturbance from construction will be for a temporary period only.

108. Some comments relate to work having already started on the bypass. This is not related to this application. The works are associated with the approved application on the neighbouring Persimmon Homes site.
109. There are also a number of the comments raised that relate to a Nunthorpe Vision and the Nunthorpe 19 commitments. This is wholly separate to the planning process and planning consideration of this planning application. It is not adopted or emerging planning policy or guidance and as a result it bears no weight in the decision making process for this application.

Social and Economic Benefits

110. The proposal would bring about social and economic benefits through the provision of additional homes in this location. There would be job creation during the construction of the development, and the local economy would be supported via household expenditure and support for local services and facilities in the locality. These benefits carry moderate weight in favour of the scheme.

**Conclusion**

111. The analysis of the development determines that the proposals are for a sustainable development, which will assist in economic growth in the town.
112. The development can achieve the required 10% biodiversity net gain and nutrient neutrality mitigation through a landscaping scheme on the site. There are no statutory objections to the proposal in terms of the sustainability of the site or the ability to meet necessary flood, ecology, highways and noise mitigation.
113. The scheme as presented provides a high quality development in terms of the layout, built form, design and appearance, that will deliver a mix of dwelling types including bungalows. The development will also provide significant levels of open space, landscaping and wildlife habitat, and will incorporate play areas, art features and trim trails in keeping with policy requirements and guidance set out in the NGDC.
114. The development is in accordance with the requirements of policies within the current local plan and the guidance in the design code. While the development does not fully comply with all elements of policies within the PLP although this document can only be afforded some weight. For the reasons set out in this report, the lack of compliance with all elements of relevant policies in the PLP is not considered to outweigh the benefits of this development and do not warrant the refusal of this application.
115. It is the planning view that, following the amendments made to the scheme and subject to the S106 requirements of the scheme, none of the matters detailed in the material objections raised against the scheme, will result in a significantly detrimental impact on the character of the area, the nearby residents or the community as a whole. The proposals do not conflict with local or national policies relating to sustainability, design, transport, open space or flood risk. The development will support the spatial vision set out in the NGDC and the PLP.
116. The recommendation is for approval subject to a s106 agreement and the conditions set out below.

## RECOMMENDATIONS AND CONDITIONS

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### 1. Time Limit

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

Reason: 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:

- a) Site Location Plan, drawing no. 30060.PLN.01 rev. P11
- b) General Arrangement: Overall, drawing no. 30060.PLN.02 rev. P11
- c) Site Levels – Sections, SH. 1, drawing no. 30060.PLN.21.01 rev. P11
- d) Site Levels – Sections, SH. 2, drawing no. 30060.PLN.21.01 rev. P11
- e) Site Levels – Sections, SH. 3, drawing no. 30060.PLN.21.01 rev. P11
- f) Site Levels – Update Plan: SH. 4, drawing no. 30060.PLN.21.04 rev. P11
- g) Topographical Survey, drawing no. 060724-SH-TOPO-001
- h) Housetype Compliance Plan, drawing no. 30060.PLN.16 rev. P11
- i) NDA Calculation Plan, drawing no. 30060.PLN.NDA
- j) SHNE Design – Material Booklet, rev. P5
- k) Rutherford (A25) M4(2), Planning Layout 1, drawing no. RTD-PLP1
- l) Rutherford (A25) M4(2), Planning Elevation 1/1, drawing no. RTD-PLE1/1
- m) Rutherford (A25) M4(2), Planning Elevation 1/2, drawing no. RTD-PLE1/2
- n) Rutherford (A25) M4(2), Planning Elevation 1/3, drawing no. RTD-PLE1/3
- o) Linford (A25) M4(2), Planning Layout 1, drawing no. LFD-PLP1
- p) Linford (A25) M4(2), Planning Elevation 1/1, drawing no. LFD-PLE1/1
- q) Linford (A25) M4(2), Planning Elevation 1/2, drawing no. LFD-PLE1/2
- r) Linford (A25) M4(2), Planning Elevation 1/3, drawing no. LFD-PLE1/3
- s) Cranford (A25) M4(2), Planning Layout 1, drawing no. CND-PLP1
- t) Cranford (A25) M4(2), Planning Elevation 1/1, drawing no. CND-PLE1/1
- u) Cranford (A25) M4(2), Planning Elevation 1/2, drawing no. CND-PLE1/2
- v) Milford (A20) M4(2), Planning Layout 1, drawing no. MLD-PLP1
- w) Milford (A20) M4(2), Planning Elevation 1/1, drawing no. MLD-PLE1/1 rev. C
- x) Milford (A20) M4(2), Planning Elevation 1/2, drawing no. MLD-PLE1/2 rev. C
- y) Sutton (A25), Planning Layout 1, drawing no. STN-PLP1
- z) Sutton (A25), Planning Elevation 1/1, drawing no. STN-PLE1/1
- aa) Sutton (A25), Planning Elevation 1/2, drawing no. STN-PLE1/2
- bb) Sutton (A25), Planning Elevation 1/3, drawing no. STN-PLE1/3
- cc) Sutton (A25), Section A-A, drawing no. STN-SECA
- dd) Sutton (A25), Section B-B, drawing no. STN-SECB
- ee) Sutton (A25), Section C-C, drawing no. STN-SECC
- ff) Dawson (A25), Planning Layout 1, drawing no. DWN-PLP1
- gg) Dawson (A25), Planning Elevation 1/1, drawing no. DWN-PLE1/1
- hh) Dawson (A25), Planning Elevation 1/2, drawing no. DWN-PLE1/2
- ii) Dawson (A20), Section A-A/1 (With Bay), drawing no. DWN-SECA/1
- jj) Dawson (A20), Section B-B, drawing no. DWN-SECB
- kk) Dawson (A20), Section C-C, drawing no. DWN-SECC
- ll) Langford (A25) M4(2), Planning Layout 1, drawing no. LGD-PLP1

- mm) Langford (A25) M4(2), Planning Elevation 1/1, drawing no. LGD-PLE1/1
- nn) Langford (A25) M4(2), Planning Elevation 1/2, drawing no. LGD-PLE1/2
- oo) Langford (A25) M4(2), Planning Elevation 1/3, drawing no. LGD-PLE1/3
- pp) Wilson (A25), Planning Layout 2 (Corner), drawing no. WLN-PLP2
- qq) Wilson (A25), Planning Elevation 2/1 (Corner), drawing no. WLN-PLE2/1
- rr) Wilson (A25), Planning Elevation 2/3 (Corner), drawing no. WLN-PLE2/3
- ss) Wilson (A25), Planning Elevation 2/4 (Corner), drawing no. WLN-PLE2/4
- tt) Robinson (A25), Planning Layout 1, drawing no. RBN-PLP1
- uu) Robinson (A25), Planning Elevation 1/1, drawing no. RBN-PLE1/1
- vv) Robinson (A25), Planning Elevation 1/2, drawing no. RBN-PLE1/2
- ww) Woodford (A25) M4(2), Planning Layout 1 – Floor Plans, drawing no. WFD-PLP1
- xx) Woodford (A25) M4(2), Planning Elevation 1/1, drawing no. WFD-PLE1/1
- yy) Woodford (A25) M4(2), Planning Elevation 1/2, drawing no. WFD-PLE1/2
- zz) Woodford (A25) M4(2), Planning Elevation 1/3, drawing no. WFD-PLE1/3
- aaa) Clifford M(4)2, Planning Layout 1, drawing no. CFD-PLP1
- bbb) Clifford M(4)2, Planning Elevation 1/1, drawing no. CFD-PLE1/1
- ccc) Clifford M(4)2, Planning Elevation 1/2, drawing no. CFD-PLE1/2
- ddd) Mayford (A25) M4(2), Planning Layout 1, drawing no. MYD-PLP1
- eee) Mayford (A25) M4(2), Planning Elevation 1/1, drawing no. MYD-PLE1/1
- fff) Mayford (A25) M4(2), Planning Elevation 1/2, drawing no. MYD-PLE1/2
- ggg) Jefferson (A25) (NE), Planning Layout 1, drawing no. JFN(NE)-PLP1
- hhh) Jefferson (A25) (NE), Planning Elevation 1/1, drawing no. JFN(NE)-PLE1/1
- iii) Jefferson (A25) (NE), Planning Elevation 1/2, drawing no. JFN(NE)-PLE1/2
- jjj) Walton (NE) (A25), Planning Layout, drawing no. WTN(NE)-PLP1
- kkk) Walton (NE) (A25), Planning Elevation 1/1, drawing no. WTN(NE)-PLE1/1
- lll) Walton (NE) (A25), Planning Elevation 1/2, drawing no. WTN(NE)-PLE1/2
- mmm) Walton (A25), Planning Sections, drawing no. WTN-SECA
- nnn) Garage Booklet (A20), Single Garage 1, Planning Drawing 1/1, drawing no. GB-PLP1/1
- ooo) Garage Booklet (A20), Double Garage 1, Planning Drawing 2/1, drawing no. GB-PLP2/1
- ppp) Garage Booklet (A20), Twin Garage 1, Planning Drawing 3/1, drawing no. GB-PLP3/1
- qqq) Garage Booklet (A20), Double Garage 1, Planning Drawing 4/1, drawing no. GB-PLP4/1
- rrr) External Plot Finishes (A20), 1850mm High Open Boarded Fence, drawing no. SD100-A-001
- sss) External Plot Finishes (A20), 2000mm High Acoustic Fence, drawing no. SD100-A-005
- ttt) External Plot Finishes (A20), 2400mm Acoustic Fence with Brick Pillars, drawing no. SD100-A-008
- uuu) External Plot Finishes (A20), 1800mm High Close Boarded Fence with 0.4m Trellis, drawing no. SD100-A-009
- vvv) External Plot Finishes (A20), 1800mm Brick Pillars with Dwarf Wall & Feather Edge Boarded Fence, drawing no. SD100-A-007
- www) External Plot Finishes (A20), 900mm High Stone Boundary Wall, drawing no. SD100-B-004
- xxx) External Plot Finishes (A20), 900mm High Estate Railing, drawing no. SD100-C-001
- yyy) External Plot Finishes (A20), 1200mm Plain Top Railing, drawing no. SD100-C-002

- zzz) External Plot Finishes (A20), SUDS Fencing 700mm High Steel Hooped Railings, drawing no. SD100-C-005
- aaaa) Waste Audit, reference no. 1046698-PG01 rev. A, dated 28th May 2025
- bbbb) Ecological Impact Assessment, reference no. BIOC24-058 rev. V3.0
- cccc) Shadow Habitats and Regulations Assessment, reference no. 2400437-ENV-S1-NE-TR-E-0002, dated 27th October 2025
- dddd) Nutrient Neutrality Assessment and Mitigation Strategy, reference no. 2400437-ENV-S1-NE-TR-E-0001, dated 24th October 2025
- eeee) Sustainability Statement dated October 2025
- ffff) Air Quality Assessment, reference no. NJD24-0184-002R/R2, dated October 2025
- gggg) Noise and Vibration Assessment, refence no. NJD24-0184-001R, dated October 2025
- hhhh) Geo-Environmental Assessment, reference no. 24/4304, dated 19th September 2024
- iii) Heritage Appraisal, reference no. NGM-BWB-ZZ-XX-RP-LH-001\_Report Title, dated May 2025
- jjjj) Proposed Site Access Plan, drawing no. 4489-F02 rev. H
- kkkk) Offsite Connectivity Plan, drawing no. 30060.PLN.19 rev. P5
- llll) Proposed Access Arrangements, Stage 1 – Road Safety Audit, reference no. GS-1608-2025 issue 2, dated October 2025
- mmmm) Road Safety Audit Designers Response Form, reference no. GS1608-2025
- nnnn) Transport Assessment, reference no. 4489, dated 19th May 2025
- oooo) External Finishes and Boundary Treatments Plan – Sheet 1, drawing no. 30060.PLN.03a rev. P11
- pppp) External Finishes and Boundary Treatments Plan – Sheet 2, drawing no. 30060.PLN.03b rev. P11
- qqqq) External Finishes and Boundary Treatments Plan – Sheet 3, drawing no. 30060.PLN.03c rev. P11
- rrrr) External Finishes and Boundary Treatments Plan – Sheet 4, drawing no. 30060.PLN.03d rev. P11
- ssss) EV Charging Plan, drawing no. 30060.PLN.09 rev. P11
- tttt) Equipped Areas Plan, drawing no. 30060.PLN.13 rev. P11
- uuuu) Proposed Footway Plan, drawing no. 4489-F05 rev. D
- vvvv) Wayfinding and Connectivity Plan, drawing no. 30060.PLN.12 rev. P11
- wwww) PROW Plan, drawing no. 30060.PLN.14 rev. P11
- xxxx) Indicative Adoption/Management Plan, drawing no. 30060.PLN.07 rev. P11
- yyyy) Swept Path Analysis Plan, drawing no. 30060.PLN.11 rev. P11
- zzzz) Road Hierarchy Plan, drawing no. 30060.PLN.10 rev. P11
- aaaaa) Street Tree Plan, drawing no. 30060.PLN.15 rev. P11
- bbbbbb) Planting Strategy, drawing no. L1180-ONE-ZZ-XX-DR-L0201, rev. P06
- cccccc) Flood Risk Assessment and Drainage Strategy, rev. C, dated January 2026
- dddddd) Biodiversity Net Gain Statement & Assessment, reference no. BIOC24-058 rev. V3.0
- eeeeee) Biodiversity Metric Calculation Tool, reference no. BioC24-058 V3.0
- ffffff) Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan, reference no. ARB/AR/3484, dated January 2026

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

**3. PD Rights Removed Means of Enclosure**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no fences, gates, walls or other means of enclosure (other than those expressly authorised by this permission) shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which forms the principle elevation/fronts onto a road, footpath or open space 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 protect the visual amenity of the area and in the interests of resident's amenity having regard for Policies CS4, CS5, DC1 and section 12 of the NPPF.

**4. PD Rights Removed Extensions/Alterations**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no building hereby approved shall be extended or materially altered in external appearance in any way, including any additions or alterations to the roof, 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 protect the visual amenity of the area and in the interests of resident's amenity having regard for Policies CS4, CS5, DC1 and section 12 of the NPPF.

**5. PD Rights Removed Outbuildings**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no ancillary buildings shall be erected in the curtilage of any property (other than those expressly authorised by this permission) 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 protect the visual amenity of the area and in the interests of resident's amenity having regard for Policies CS4, CS5, DC1 and section 12 of the NPPF.

**6. PD Rights Removed Conversion of Garages**

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order), no garages shall be converted to habitable rooms without planning permission being obtained from the Local Planning Authority.

Reason: 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.

**7. PD Rights Removed Hardstanding**

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order), no hardstanding shall be constructed at the front 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 protect the visual amenity of the area and in the interests of resident's amenity having regard for Policies CS4, CS5, DC1 and section 12 of the NPPF.

**8. PD Rights Removed Access**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no vehicular or pedestrian access other than that shown on the approved plans, shall be formed on the site 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 in the interests of amenity and highway safety having regard for Policies CS4, CS5, DC1 and sections 9 and 12 of the NPPF.

**9. Materials - Approved Details**

The development hereby approved shall be carried out in complete accordance with the external finishing materials detailed in the approved SHNE Design – Material Booklet, rev. P5, or in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of the visual amenities of the area having regard for Policies DC1, CS4 and CS5 of the Local Plan and section 12 of the NPPF.

**10. Phasing Details Required**

The development must 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 and site set up). The phasing plan shall include the build route, creation and use of access points including roads, footpaths, cycle paths and bridleways

Reason: In the interests of highway safety and amenity of the area having regard for Policy DC1 of the Local Plan.

**11. Construction of Access**

The development hereby approved shall not be occupied unless or until the means of vehicular/pedestrian access from the public highway has been constructed and surfaced to at least a base course level, in accordance with the details shown on submitted drawing(s) General Arrangement: Overall, drawing no. 30060.PLN.02 rev. P11, or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To confine access to the permitted points in the interests of good management of the highway and to minimise the number of vehicle accesses onto the highway in the interests of free flow of traffic and safety of highway users having regard for policy DC1 of the Local Plan and sections 9 and 12 of the NPPF.

**12. Construction of Roads and Footways Prior to Occupation of Dwellings**

No dwelling hereby approved 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.

Reason: To ensure appropriate access and egress to the properties, in the interests of highway safety and the amenity of residents having regard for policies CS4, CS5 and DC1 of the Local Plan and sections 9 and 12 of the NPPF.

**13. Off-Site Highway Works**

Highway works detailed below must be carried out in accordance with the submitted drawing(s) Proposed Footway Plan, drawing no. 4489-F05 rev. D, or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority and in accordance with the approved phasing plan:

- a) Provision of a Zebra crossing on Guisborough Road to the West of the site frontage adjacent to 188 Guisborough Road;
- b) Provision of an uncontrolled pedestrian crossing consisting of dropped kerbs and tactile paving to the East of the site frontage on Guisborough Road in the vicinity of 127 Guisborough Road;
- c) Provision of a footway of minimum width of 2m linking the existing footway to the front of 188 Guisborough Road to the proposed Zebra crossing;
- d) Widening of existing PROW MID/060/3 to a minimum width of 2m for a minimum distance of 25m from the Southern kerbline of Guisborough Road;
- e) Provision of a footway of minimum width of 1.5m linking the widened PROW to the existing bus stop East of the site frontage; and,
- f) Any drainage, streetlighting, signage, lining and resurfacing works as may be required to deliver the above.

Reason: In the interests of providing a safe means of access to the site by all modes of transport and to, minimise disruptions to the free flow of traffic having regard for policies DC1 and CS5 of the Local plan and sections 9 and 12 of the NPPF.

**14. Off-Site Highway Works**

Highway works detailed below must be carried out in accordance with the submitted drawing(s) Proposed Site Access Plan, drawing no. 4489-F02 rev. H and Offsite Connectivity Plan, drawing no. 30060.PLN.19 rev. P5, or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority and in accordance with the approved phasing plan:

- a) Provision of a right turn ghost island on the A1043 to serve the development including a scheme of streetlighting and reduction in speed limit on the A1043;
- b) Provision of a central landscaped island on the A1043 which includes a two stage pedestrian crossing
- c) Provision of a crushed stone footpath of minimum width 1.5m along the South side of the A1043 linking the proposed refuge crossing point to the existing PROW
- d) Provision of a 3.6m ped/cycle route between the sites South Western boundary to the Stokesley Road/A1043/A172 junction
- e) Works to safely terminate the proposed ped/cycle route at the Stokesley Road/A1043/A172 junction to integrate the proposed ped/cycle route into existing infrastructure; and

- f) Any drainage, streetlighting, signage, lining and resurfacing works as may be required to deliver the above.

Reason: In the interests of providing a safe means of access to the site by all modes of transport and to, minimise disruptions to the free flow of traffic having regard for policies DC1 and CS5 of the Local plan and sections 9 and 12 of the NPPF.

**15. Road Safety Audit**

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 internal highway layout/all off-site works requiring alteration as specified in submitted drawing(s) Proposed Site Access Plan, drawing no. 4489-F02 rev. H and Offsite Connectivity Plan, drawing no. 30060.PLN.19 rev. P5, such plans which are subsequently submitted to and approved in writing by the Local Planning Authority. Stage 2 of said audit must be submitted to and confirmed in writing by the Local Planning Authority prior to works commencing on site.

Any remedial works required within the audit shall be implemented within 6 months following the remedial works being identified and agreed unless an alternative timescale is first agreed in writing with the Local Planning Authority.

Reason: To minimise the road safety risks associated with the changes imposed by the development having regard for policies DC1 and CS5 and sections 9 and 12 of the NPPF.

**16. Cycle Store Details Required**

No dwelling hereby approved shall be occupied unless or until covered and secure cycle parking facilities, for that dwelling, have been provided in accordance with drawing(s) to be submitted to and approved in writing by the Local Planning Authority. Such drawings to show the position, design, materials and finishes thereof. Thereafter the cycle parking facilities shall be retained for the lifetime of the development for the sole purpose of parking cycles.

Reason: To promote use of cycles reducing traffic congestion and in the interests of the amenities of residents to ensure a satisfactory form of development having regard for Policies DC1, CS4 and CS5 of the Local Plan and sections 9 and 12 of the NPPF.

**17. Car and Cycle Parking Laid Out**

No dwelling hereby approved shall be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) for the dwelling, have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: To ensure a satisfactory form of development and in the interests of highway safety having regard for Policies CS5 and DC1 of the Local Plan and sections 9 and 12 of the NPPF.

**18. Method of Works Statement**

The development hereby approved shall not be commenced until a detailed method of works statement has been submitted to and approved in writing by the Local Planning Authority. Such statement shall include at least the following details;

- a) Routing of construction traffic, including signage where appropriate;

- b) Arrangements for site compound and contractor parking;
- c) Measures to prevent the egress of mud and other detritus onto the public highway;
- d) A jointly undertaken dilapidation survey of the adjacent highway;
- e) Program of works; and,
- f) Details of any road/footpath closures as may be required.

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

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users having regard for policy DC1 of the Local Plan.

**19. Public Rights of Way (Footpaths and Bridleways)**

Within six months of commencement of the development hereby approved, a Public Rights of Way General Arrangement Plan(s) to a scale of 1:200 showing the following information and works to both existing and proposed Public Rights of Way 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 on or adjacent to
- Construction Details including any changes to surfaces of existing PROW
- Extent of any stopping up, diversion or dedication of new highway rights (including public rights of way shown on the definitive map and statement)
- Maintenance Plan

Thereafter the development must be carried out in full accordance with the approved details

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.

**20. Surface Water Drainage Scheme**

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 should be designed, following the principles as outlined in the Flood Risk Assessment and Drainage Strategy, rev. C, dated January 2026 and the development shall be completed in accordance with the approved scheme.

The design of the drainage scheme shall include but, is not 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 ICP SUDS 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 exceedence routes)

This should be accomplished by the use of SUDs techniques, if it is not possible to include a sustainable drainage system, details as to the reason why must be submitted.

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area having regard for Policy CS4 of the Local Plan and section 14 of the NPPF.

#### 21. Surface Water Drainage Management Plan

Prior to the commencement of the development on site, details of a Surface Water Drainage Management Plan must 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.

Reason: To ensure the development is supported by an appropriately designed surface water disposal infrastructure scheme and to minimise the risk of increased flooding and contamination of the system during the construction process having regard for Policies DC1 and CS4 of the Local Plan and section 14 of the NPPF.

#### 22. Surface Water Drainage Management and Maintenance Plan

The development shall not be occupied until a Management & Maintenance Plan for the surface water drainage scheme has been submitted and approved 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

Reason: To ensure that the surface water drainage infrastructure is maintained to minimise the risk flooding in the locality having regard for Policy CS4 of the Local Plan and section 14 of the NPPF.

#### 23. Foul and Surface Water NWL

The development hereby approved shall be implemented in line with the drainage scheme contained within the approved Flood Risk Assessment and Drainage

Strategy, rev. C, dated January 2026. The drainage scheme shall ensure that foul flows discharge to the sewer at manhole 5008 and ensure that surface water discharges to the sewer at manhole 6101. The surface water discharge rate shall not exceed the maximum available capacity of 58l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

**24. Electricity Substations**

Full details and specifications for the substation, including elevations and external materials, must be submitted to and approved in writing by the local planning authority prior to its erection on site.

Reason: In the interests of the amenities, character and appearance of the area having regard for Policies DC1 and CS5 of the Local Plan and section 12 of the NPPF.

**25. Noise Assessment**

The development hereby approved shall be carried out in accordance with the approved Noise and Vibration Assessment, refence no. NJD24-0184-001R, dated October 2025. 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.

Reason: To ensure a satisfactory form of development in the interests of the amenities of residents having regard for Policies DC1, CS5 of the Local Plan and section 12 of the NPPF.

**26. Renewable Energy**

Notwithstanding the details set out in the approved Sustainability Statement dated October 2025, prior to the occupation of each dwelling, if solar photovoltaic panels, or any other renewable energy system, are required for the dwelling to meet Building Regulation Part L, full details and specifications of the renewable energy system, including the appearance and location on the dwelling, must be submitted to and approved in writing by the Local Planning Authority. Thereafter the renewable energy system 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.

**27. Recreation**

Full details and specifications of the art/play/leisure/fitness areas for each phase of the development (including planting, fencing, safety surfacing, equipment, seats, litter bins, lighting and a management and maintenance scheme), and a programme of works including implementation timescales, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the 10th dwelling.

The art/play/leisure/fitness areas shall be implemented and maintained in accordance with the approved details and shall be retained in perpetuity solely for the

purposes of recreation.

Reason: To secure the provision of sufficient amenity space for residents having regard for Policies CS4, CS5 and DC1 of the Local Plan and sections 8 and 12 of the NPPF.

**28. Retaining Walls**

Notwithstanding the approved details, full details of all proposed retaining walls, including the design, materials, location and heights/retained ground level, must be submitted to and approved in writing by the Local Planning Authority before the construction of the walls commence. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure a satisfactory form of development and in the interests of the amenities of residents and the visual amenities of the area having regard for policies DC1, CS4 and CS5 of the Local Plan and section 12 of the NPPF.

**29. Landscape Scheme**

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 (eg; furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (eg; 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.

Reason: To ensure a satisfactory form of development in the interest of visual amenity and the character of the area having regard for Policies CS4, CS5 and DC1 of the Local Plan and sections 12 and 15 of the NPPF.

**30. Landscape Management Plan**

A Landscape Management Plan(s) covering relevant phase(s) of development, including long term objectives, management responsibilities and maintenance schedules for the lifetime of the development 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.

Reason: To ensure a satisfactory form of development in the interest of visual

amenity and the character of the area having regard for Policies CS4, CS5 and DC1 of the Local Plan and sections 12 and 15 of the NPPF.

**31. Replacement Tree Planting**

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: To ensure a satisfactory form of development in the interest of visual amenity and the character of the area having regard for Policies CS4, CS5 and DC1 of the Local Plan and sections 12 and 15 of the NPPF.

**32. Retained Trees**

In this condition retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of five years from the date of the occupation of the final building on site for its permitted use.

- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:1989 (with subsequent amendments) (British Standard recommendations for Tree Work).
- b) If any retained tree is removed, uprooted or destroyed or dies during the period of construction another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the local planning authority. Similarly, if a retained tree dies or needs to be removed within five years of completion, and this is found to have been the result of damage sustained during development, this replanting condition will remain in force
- c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. Retained trees shall be protected fully in accordance with British Standard 5837:1991 (Guide for Trees in Relation to Construction). In particular, fencing must not be dismantled at any time without the prior consent of the local planning authority.

Reason: To prevent the loss of or damage to trees and natural features during the development and to ensure so far as is practical that development progresses in accordance with current best practice having regard for Policy CS4 and CS5 of the Local Plan and section 9 of the NPPF.

**33. Hedges and Hedgerows**

All hedges or hedgerows on the site unless indicated as being removed shall be

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

Reason: To prevent the loss of or damage to existing hedgerows and natural features so far as is practical that development progresses in accordance with current best practice having regard for Policy CS4 and CS5 of the Local Plan and section 9 of the NPPF.

#### 34. Ecology

The recommendations, mitigation and compensation/enhancement measures set out in section 5 of the approved Ecological Impact Assessment, reference no. BIOC24-058 rev. V3.0, 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. The measures include:

- a) Further aerial inspection surveys and a Precautionary Working Method Statement (PWMS) for bats.
- b) Construction and clearance to follow the Construction Environmental Management Plan (CEcMP) and Herpetofauna Method Statement.
- c) Pre-work checks for badgers.
- d) A wildlife-sensitive lighting scheme.
- e) An invasive species method statement.
- f) Native, berry, fruit bearing and pollinator species planting.
- g) Creation of compensatory habitat for bats, birds, and great crested newts (GCN).
- h) Habitat management under a Habitat Management and Monitoring Plan (HMMP).
- i) Incorporation of nesting and roosting features for bats and birds, plus refugia for GCN and hedgehog holes.

The submitted details must include a plan which identifies which properties will include bird, bat or bee boxes and where rubble piles, log stacks, earth banks and hibernacula will be located.

Thereafter the mitigation works shall be retained on site in for the lifetime of the development.

Reason: To protect and enhance the ecology and biodiversity of the site and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development having regard to Policy CS4 of the Local Plan and section 15 of the NPPF.

#### 35. Biodiversity Gain Plan

The development hereby approved shall not commence until a Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: As required under the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 and having regard for Policy CS4.

**36. Biodiversity Net Gain Maintenance Plan**

The development hereby permitted shall be carried out in accordance with the approved Biodiversity Gain Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30-year period as a result of the development and the Biodiversity Gain Plan shall be implemented in full.

No development shall commence until a Biodiversity Monitoring Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30-year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management Plan shall include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

Monitoring reports will be submitted to the Local Planning Authority during years 1, 2, 5, 7, 10, 15, 20 and 30 from commencement of development unless otherwise stated in any Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed to be undertaken to address a shortfall in predicted levels of gain.

Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with paragraphs 180 and 186 of the National Planning Policy Framework and having regard for Policy CS4.

**37. Nutrient Mitigation Scheme**

The development must be carried out in accordance with the agreed nutrient mitigation or in accordance with full details and specifications of an alternative Nutrient Neutrality Mitigation Scheme, including any long term maintenance and monitoring details submitted to and approved in writing by the Local Planning Authority (in consultation with Natural England) prior to any commencement of works on site. Thereafter the development shall be carried out in accordance with the approved Nutrient Neutrality Mitigation Scheme.

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.

**38. Programme of Archaeological Works**

Prior to the commencement of development a programme of archaeological work specified in a Written Scheme of Investigation must be submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions and:

- a) the programme and methodology of site investigation including trial trenching, and recording;
- b) the programme for post investigation assessment;
- c) provision to be made for analysis of the site investigation and recording;
- d) provision to be made for publication and dissemination of the analysis and records of the site investigation;
- e) provision to be made for archive deposition of the analysis and records of the site investigation;

- f) nomination of a competent person or persons/organisation to undertake the works set out within the written scheme of investigation

No development shall take place other than in accordance with the approved Written Scheme of Investigation.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured to the satisfaction of the Local Planning Authority.

Reason: To safeguard the identification and recording of any features of architectural, historic and archaeological interest associated with the site and the fabric of the building having regard for policies CS4 and CS5 of the Local Plan and section 16 of the NPPF.

### **Reason for Approval**

The analysis of the development determines that the proposals are for a sustainable development, which will assist in economic growth in the town. The proposed layout and dwellings are of a high quality design and would provide a pleasant and sustainable environment offering bungalows with a good mix of dwelling sizes and type. There are no statutory objections to the proposal in terms of the sustainability of the site or the ability to meet necessary flood, ecology, highways and noise mitigation.

The application site is an allocated site within the approved Housing Local Plan. It meets the requirements of policy H29, other relevant local policies (including DC1, CS4, CS5), the policies in the Nunthorpe Design Statement, the guidance in the Nunthorpe Grange Design Codes and national policies.

It is the planning view that none of the material objections raised will result in a significantly detrimental impact on the character of the area, the nearby residents or the community as a whole. The proposals do not conflict with local or national policies relating to sustainability, design, transport, open space or flood risk. The development will support the spatial vision set out in the development plan.

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### **INFORMATIVES**

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- 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](mailto: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.

- S106

This permission is subject to an agreement under section 106 of the Town and Country Planning Act 1990 as amended.

- 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.

- 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.

- **Works to Highway - S278**

The proposal will require alterations to the existing highway and as such will require an Agreement under Section 278 of the 1980 Highways Act. The applicant is urged to consult early with the Highway Authority (tel: 01642 728156) to discuss these proposals. This agreement must be completed and in place before work commences.

- **Interference or Alteration of the Highway**

Interference or alteration of the highway requires a licence under the 1980 Highways Act. Connections to public sewers in the highway require a licence under 1991 New Roads and Street Works Act. The applicant should contact the Highway Authority (tel: 01642 728156) before any work commences on site, allowing a minimum of 7 days' notice, or 30 days in the case of a NRASWA licence, if either or both of these licences are required.

- **Public Right of Way on Site**

A Public Right of way exists on the site. Before planning approval is commenced discussion is required with the Highway Authority's Public Rights of Way Officer (tel: 01642 728153) to ensure that the line of the path is not interfered with. Or an order must be obtained to stop up or divert the Public Right of Ways, as shown on the definitive map and statement, under Section 257 of the Town and Country Planning Act 1990. To discuss or apply for an order contact the Highways Authority's Public Rights of Way Officer at [rights-of-way@middlesbrough.gov.uk](mailto:rights-of-way@middlesbrough.gov.uk).

- **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.

- **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.

- **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:

- 08.00 to 18.00 Monday to Friday
- 09.00 to 13.00 Saturday
- 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

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## IMPLICATIONS OF THE DECISION

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### **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 or which would affect equality of opportunity or affect the fostering of good relations between people with and without protected characteristics.

**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.

**Financial Implications:**

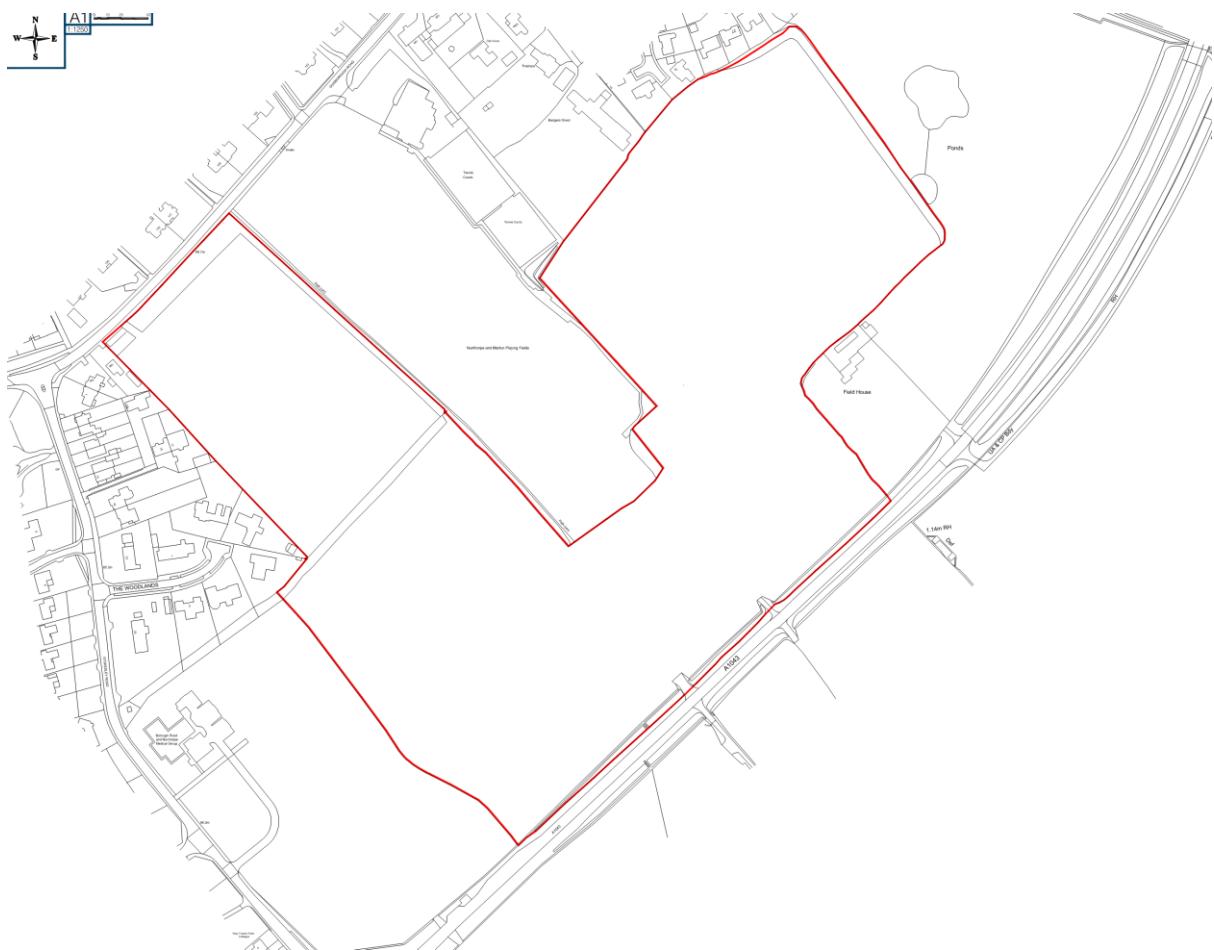
The proposed development if approved will result in financial contributions towards the required infrastructure / Education provision / affordable housing provisions and sustainable transport as detailed in the report. These matters have been given weight in reaching a decision.

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: 12-Feb-2026

**Location Plan**



## Proposed Site Plan



**Examples of Proposed House Types**



**Examples Proposed House Types Continued**



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## APPLICATION DETAILS

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**Application No:** 25/0574/FUL  
**Location:** 19, Grange Crescent, Middlesbrough, TS7 8EA  
**Proposal:** Erection of porch to front  
**Applicant:** Mr Anthony Hall  
**Agent:** Andrew Bircham, Adapt Architectural Solutions Ltd  
**Ward:** Marton West  
**Recommendation:** Approve subject to conditions

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## SUMMARY

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The application seeks approval for a porch to the front elevation, projecting 1.1m in length with a width of 2.9m and height of 3.1m.

Following the consultation exercise, objections were received from nearby residential properties, raising concerns with the impact of a porch on the appearance of the street, the symmetry of the host dwelling and the overall character of the estate.

Taking into account all material considerations, it is judged that the proposed porch would not harmfully dominate the host property or wider street scene and would also have no significant detrimental impact on adjacent properties. Whilst there would be some impact on the street scene, it is the officer view it would not be so significant as to warrant refusal of the scheme, considering the modest scale and high level of design of the proposal. As such the scheme is able to accord with relevant Local Plan Policies and the provisions of the Council's Design SPD.

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## SITE AND SURROUNDINGS AND PROPOSED WORKS

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The application property is located within an established residential area and sits on the southern side of the road which comprises predominantly two-storey semi-detached dwellings. These are set back from the road and set in plots which reduce in space along Grange Crescent due to the curvature of the road.

Further west, dwellings become more varied as single storey dwellings are evident which create a mixed street scene where properties differ in architectural design and style. To the south on Boston Drive, dwellings are single storey but of a much more uniform appearance, design and plot size

It is proposed to erect a porch to the property measuring 1.1m in length, 2.9m in width and 3.1m in height. It comprises red brick to match the dwelling and contains detailing to the archway and roof parapet. To the front elevation would contain a white upvc door.

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## PLANNING HISTORY

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24/0304/AMD: Non-material amendment to planning 24/0074/FUL – Approved August 2024

24/0074/FUL: Single storey extension to rear (Demolition of existing offshoot) – Approved April 2024

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## PLANNING POLICY

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

Core Strategy

DC1 - General Development

CS5 - Design

Emerging Publication Local Plan Policies

CR1 – Creating Quality Places

CR2 – General Development Principles

CR3 – Sustainable and High Quality Design

SPD

Urban Design SPD

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.

<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **Public Responses**

Number of original neighbour consultations	3
Total numbers of comments received	0
Total number of objections	6
Total number of support	0
Total number of representations	6

The issues raised within the objections are summarised below:

- Proposal would impact symmetry
- A porch would be out of keeping and incongruous
- Would impact the original look and feel of the estate
- Proposal would detract from original design
- Adverse impact on adjoining properties

Objections received from the following addresses:

15 Cambridge Road,  
17 Grange Crescent  
21 Grange Crescent  
23 Grange Crescent,  
25 Grange Crescent  
27 Grange Crescent

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## PLANNING CONSIDERATION AND ASSESSMENT

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### Proposal

1. The proposal relates to the erection of a porch to the front elevation of the property.
2. The main considerations for this proposal are the impacts on the character and appearance of the dwelling and street scene and the impacts on the privacy and amenity of the neighbouring properties. These matters are considered as follows

### Impact on the character and appearance of the area

3. Policies CS5 and Policy DC1 are the relevant policies which will be considered in this case. CS5 aims to secure a high standard of design for all development, ensuring that it is well integrated with the immediate and wider context. Policy DC1 takes account of the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials. This is to ensure that they are of a high quality and to ensure that the impact on the surrounding environment and amenities of nearby properties is minimal.
4. In addition to this, the Council is reviewing its Local Plan and the Publication Local Plan (PLP), approved by the Council on 5 March 2025. The National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework. It is considered that some weight may be given to PLP policies in the determination of any subsequent planning application.
5. Emerging Plan Policy CR2 (e) advises that proposals are required to achieve a high quality of design appropriate to its context. Policy CR3 (a) outlines that this high quality is in regard to layout, form, materials, and the contribution to the identity, character and appearance of the area within which they are located.

6. The Middlesbrough Urban Design SPD (UDSPD), adopted January 2013, provides design guidance for development, including for householder / domestic extensions (Section 5) and is considered to be in accordance with the NPPF in general terms and is therefore a material planning consideration and decisions should reflect the guidance within the SPD unless other material planning considerations suggest it is appropriate to do otherwise.
7. The UDSPD recommends that some basic principles are applied to development which is aimed at achieving good quality development, these being; to achieve consistent design (window style and proportions, roof pitch etc.), consistent materials and fenestration detailing, subservience (to prevent overbearing or dominance), no dominance over neighbouring windows (to limit effects on daylight), avoiding flat roofs or large expanses of brickwork, preservation of building lines where appropriate and achieving adequate levels of privacy. Developments should not look out of place in the site or in the street and should enhance, not detract, from the character of the area. Development, which would dominate the street scene, is likely to be resisted.
8. The addition of porches to properties can substantially affect the character of a street given they are most often to the front; it is therefore important that the design of such additions is appropriate. Specific reference to relevant considerations of porches is also included within the SPD para 5.16:

*Where a porch needs planning permission it should not be of an excessive size and should not equate to an extension to front primary rooms (e.g. living room). Porches should meet the following design criteria:-*

- a) should not be of such a size to disrupt an established building line;
- b) should not be higher than 3m;
- c) positioned at least 2m from the highway;
- and, d) should not exceed 3m<sup>2</sup>

9. The impact on the streetscene and building line is to be taken into consideration along with the design and scale of the proposed porch.
10. Turning to the above considerations, the porch would slightly exceed the 3m<sup>2</sup> in terms of footprint, but this would only be marginal; the proposed footprint being 3.3m<sup>2</sup>. The proposed height is approx. 3.1m. Whilst these would exceed the SPD stipulations, the porch would be set back from the highway by approx. 6.5m, therefore reducing the impacts of the porch and sufficient to allow the porch to appear subservient in the context of the main dwelling.
11. With regards to design, the proposal comprises matching brick which would allow it to adequately integrate with the host dwelling. Furthermore, it contains a good level of detailing around the archway and parapet of the roof which offers a higher quality appearance to the porch, especially given its visible position along Grange Crescent.
12. It would contain a flat roof design which the Council's Design SPD does advise against. The adopted Middlesbrough Urban Design SPD at para 5.4h specifically references flat roofs and provides guidance suggesting that;

*'Flat roofs should be avoided, as they are usually inappropriate in design terms. Where the enlarged part of the house has more than one storey, the roof pitch shall, as much as possible, be the same as the original house'.*

13. In this instance, the flat roof would contain a parapet which is considered a higher quality design detail. The porch's modest scale and width would also mean the flat roof would not have an unduly dominating impact. As such it is considered that this design does go sufficiently far to prevent it being contrary to the adopted urban design SPD guidance. As a result it would not be contrary to the general Local Plan Policy requirement for good design, the NPPF and the more specific design guidance of the SPD.
14. Turning to the impact on the wider character and appearance of the area, it is agreed with that the porch would result in a noticeable change to the street scene, particularly in an area where porches are not commonplace within this group of very similar properties. It would also be highly visible from public vantage points given its location. It is noted that the SPD references that porches should not be of such a size to disrupt an established building line. Whilst there would be built form forward of the existing building line, the overall modest projection of the porch being 1.1m from the front elevation and its distance from the highway is considered to mitigate this impact. Furthermore, a porch could be constructed without planning permission under permitted development rights with a footprint of 3m<sup>2</sup> and height of 3m. Therefore, considering the modest scale of the porch as well its high-quality design, the impact on the street is considered to be outweighed by these considerations.
15. Objection comments from residents related to concerns that the proposal would unbalance the street as well as the desire to preserve to the original character and layout of the estate. These concerns are acknowledged and whilst there would be a noticeable change to the host dwelling house when looking along Grange Crescent, it is the officer view that the presence of a small-scale porch would not result in notable harm which would warrant refusal for the above reasons. Furthermore, permitted development rights prevent the Local Planning Authority from being able to preserve the original character of these properties in the instances that porch's can be added in some cases, without the need for permission.
16. Notwithstanding, it is also noted that the view of the LPA is finely balanced, with the proposal reflecting the upper limit of the amount of development which could be acceptable with regards to a porch in this location given the site-specific context.
17. In view of the above, the proposal's impact on the street-scene is considered not to warrant refusal of the scheme based on the minor footprint of the built form and its high-quality design. In view of the above, on balance, the development considered to be in accordance with the requirements of policies CS5, DC1 and the Middlesbrough Design Guide SPD 2013.

**Impact on neighbouring amenity**

18. With regards to impact neighbouring amenity, the Council's Core Strategy Policy DC1 (c) comments that all new development should consider the effects on the amenities of the occupiers of nearby properties both during and after completion.
19. The porch is at a distance from nearby residential dwellings and would not be of a position which would notably impact primary windows serving neighbours by way of notable overbearing or overshadowing.

20. Views from the front of the porch would look out on to the public highway so would not result in notable overlooking to neighbours. There is no side-facing fenestration proposed.
21. Overall, it is considered that there would be no undue impact on privacy and amenity and no undue loss of sunlight. The development is considered to be in accordance with the requirements of Policy DC1 in these regards.

#### **Highways/parking/traffic safety**

22. The proposal will not result in any impact on the local highway network in relation to safety or capacity. There are no changes to the number of bedrooms which would trigger the need for further in-curtailage parking to be provided.
23. The development is considered to be in accordance with the requirements of policy DC1 in this regard.

#### **Residual matters**

24. Objection comments raised concern of the proposed development setting a precedent however each application is assessed on its own merits and is not speculative of the outcome of similar developments should they come forward.
25. Objection comments also made reference to an approved previous rear extension and concerns that this has not been carried out in accordance with the conditions of the planning approval, this would be a planning enforcement issue and is outside of the scope of this application.
26. Issues relating to Party Wall agreements are not material planning considerations but private, civil matters.

#### **Conclusion**

27. Taking all of the above into account it is considered that on balance, the proposal will not cause significant harm to the amenities of the neighbours or to the character and appearance of the dwelling, street or the surrounding area.
28. The application is therefore recommended for approval.

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#### **RECOMMENDATIONS AND CONDITIONS**

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1. Time Limit

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

Reason: 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:

- a) Existing Site Location Plan – Date received 27 October 2025
- b) Proposed Block Plan – Date received 27 October 2025
- c) Existing and Proposed Plans and Elevations – Drawing no. 01, date received 27 October 2025

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

3. Materials - Approved Details

The development hereby approved shall be carried out in complete accordance with the external finishing materials detailed in the approved plans. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of the visual amenities of the area having regard for Policies DC1, CS4 and CS5 of the Local Plan and section 12 of the NPPF.

**Reason for Approval**

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document in that the scale, design and materials proposed are appropriate to the site location and there will be no demonstrable adverse impact on adjacent residential amenity. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including LDF Policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

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**INFORMATIVES**

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- 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

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## IMPLICATIONS OF THE DECISION

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### **Environmental Implications:**

The proposal relates to residential householder 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.

### **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.

### **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.

**Financial Implications:**

None

**Background Papers**

None

Case Officer: Victoria Noakes

Committee Date: 12 February 2026

**Plans List**

**Appendix 1 – Location Plan**

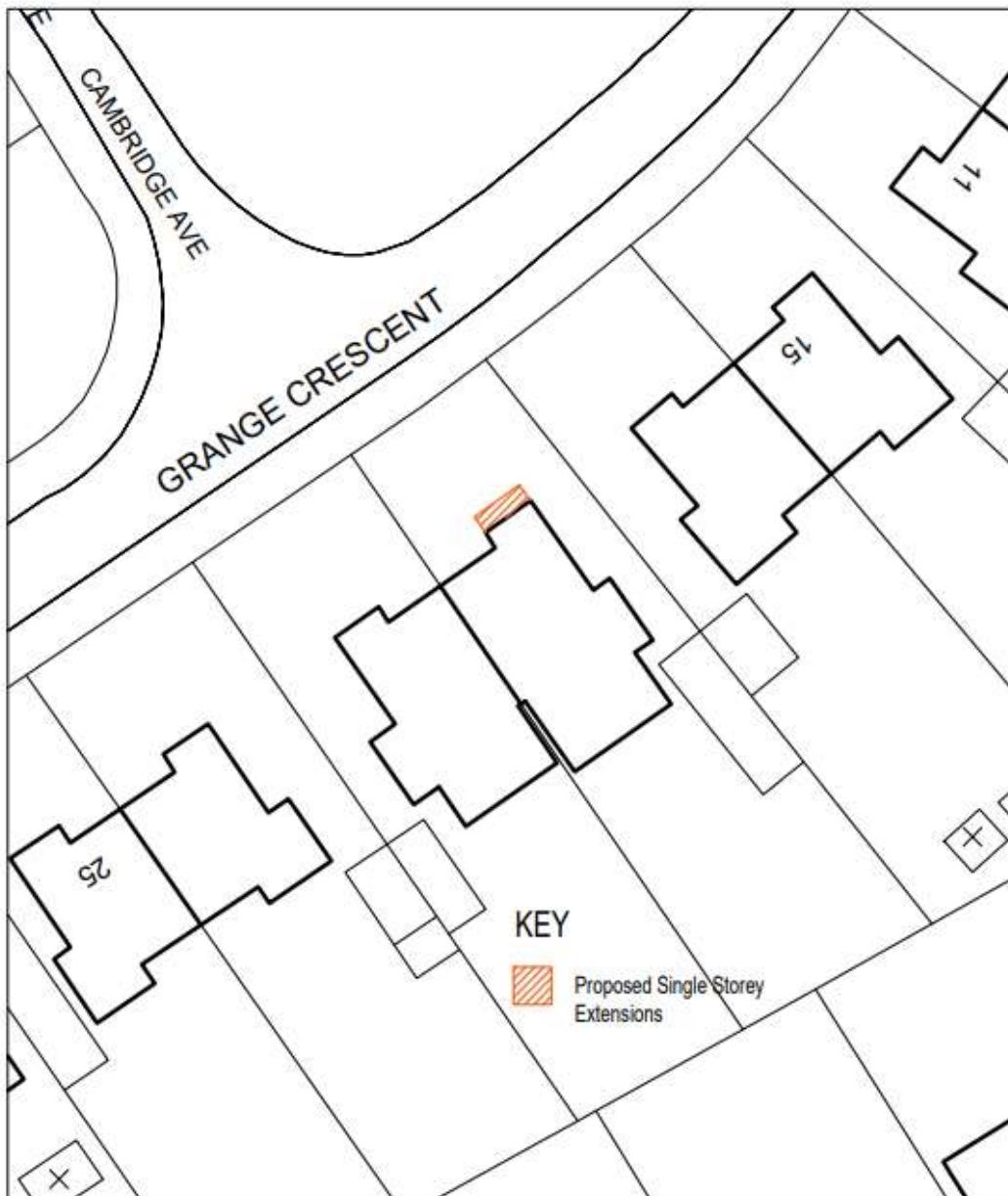


**Existing Site Location Plan**

Scale 1:1250



**Appendix 2 – Proposed Block Plan**



**Proposed Block Plan**

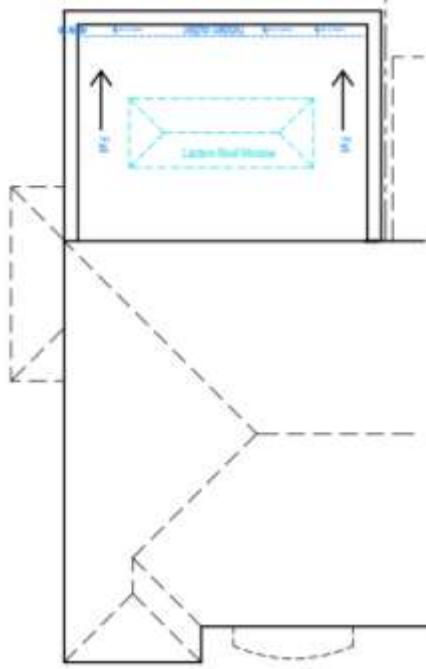
Scale 1:500



**Appendix 3 – Existing and Proposed Elevations**

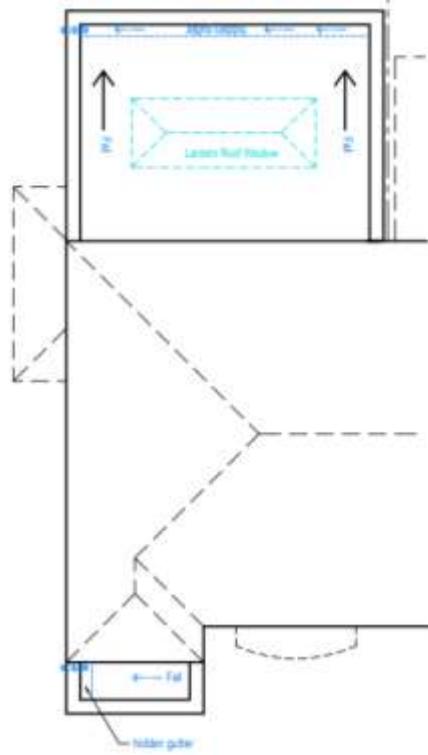


**Appendix 4 – Existing and Proposed Roof Plans**



Existing Roof Plan

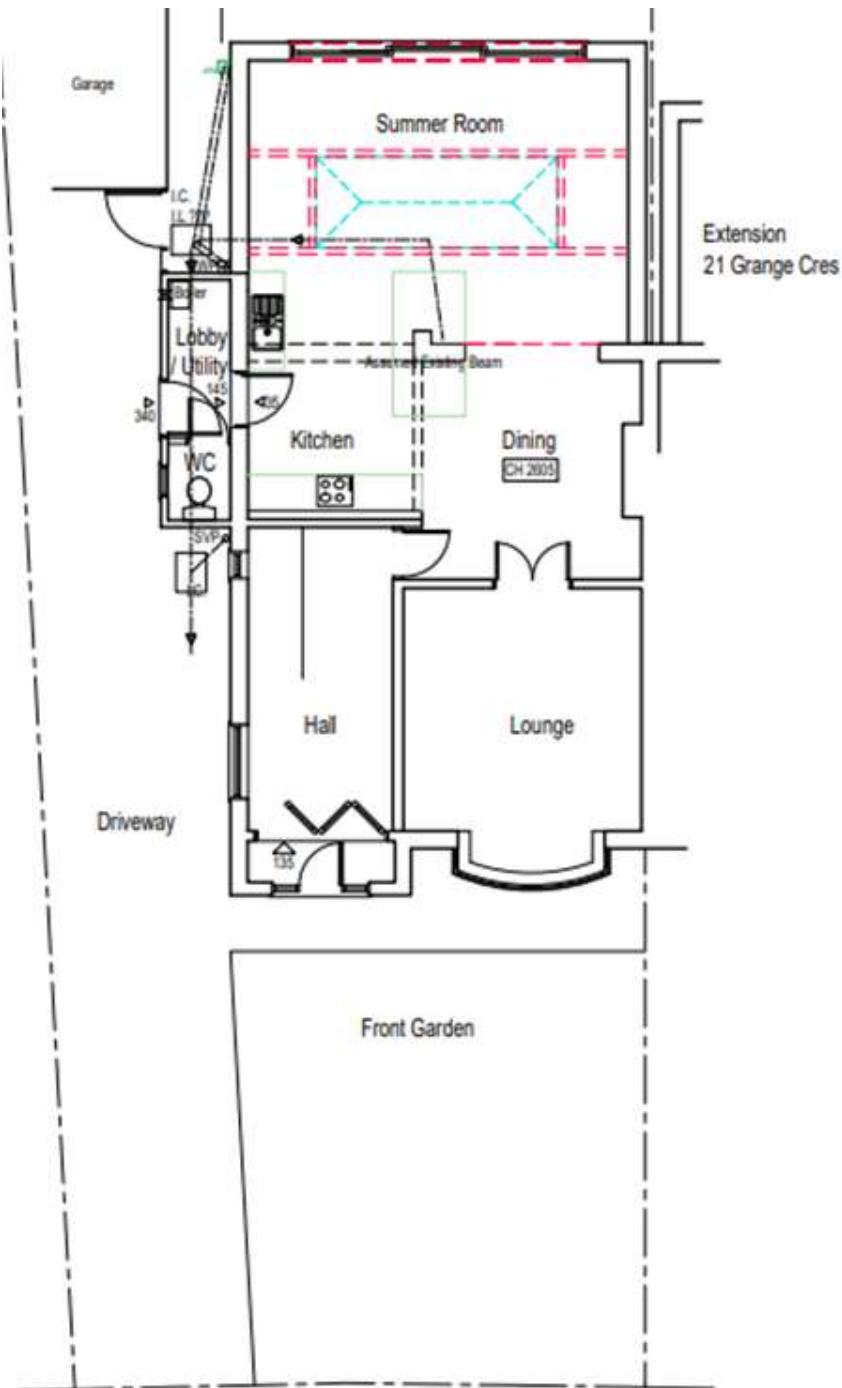
Scale 1:100



Proposed Roof Plan

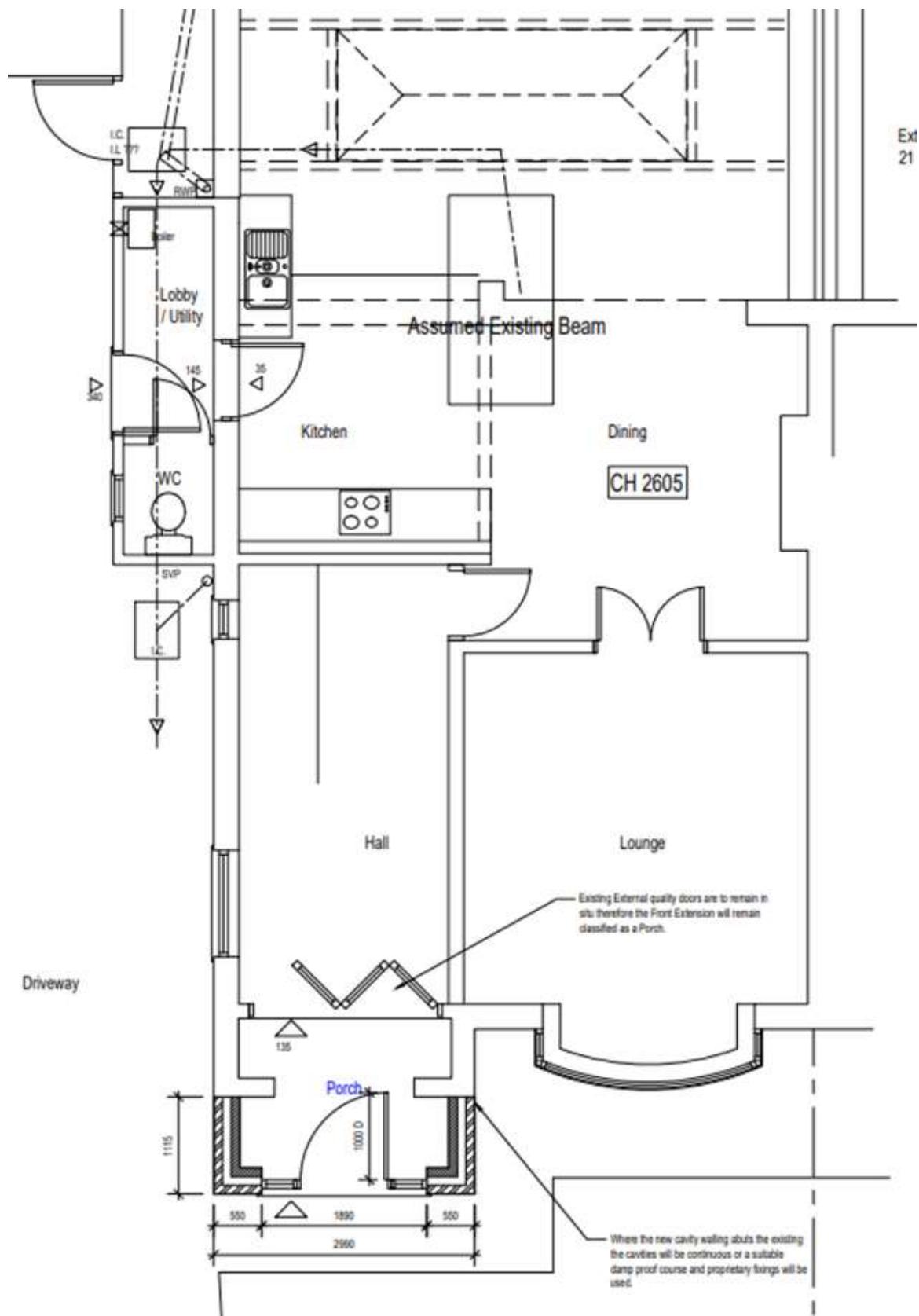
Scale 1:100

**Appendix 5 – Existing and Proposed Floorplans**



**Existing Ground Floor Plan**

Scale 1:100



Proposed Ground Floor Plan

## Agenda Item 6

Planning Ref	Decision Date	Decision
<b>25/0555/TPO</b> Company / Surname Proposal Address	21-Nov-2025 Kerb Appeal home and Garden Prune 2no. Lime, 2no. Sycamore, 2no. Horsechestnut 1no. Beech, 2no. Holly, 1no. 274, Marton Road, Middlesbrough, TS4 2NS	No Objections
<b>25/0124/DIS</b> Company / Surname Proposal Address	26-Nov-2025 Barratt Redrow Discharge of conditions 8 (Landscape management plan) & 14 (Nutrient mitigation) Grey Towers - Phase 6, Land off Dixons Bank, Middlesbrough, TS7 0PW	Full Discharge Conditions
<b>25/0427/CLU</b> Company / Surname Proposal Address	26-Nov-2025 Eaton Property Holdings LTD Certificate of lawful use of 4 bed HMO 22, Kildare Street, Middlesbrough, TS1 4RF	Approve
<b>25/0530/FUL</b> Company / Surname Proposal Address	26-Nov-2025 Imperial Ltd Installation of replacement roof, roller shutter doors and Personnel doors inclu 7, Greta Street, Middlesbrough, TS1 5QF	Approve with Conditions
<b>25/0581/PNH</b> Company / Surname Proposal Address	26-Nov-2025 Mr Neil Davison Single storey extension to rear (Length 3.34m, Height 3.2m, Eaves 2.9m) 24, Harrow Road, MIDDLESBROUGH, TS5 5NX	Prior Notification Not Required/No Obj
<b>25/0526/FUL</b> Company / Surname Proposal Address	27-Nov-2025 Johnson Replacement of entrance door and frame to front elevation including restoration 3, Sycamore Road, Middlesbrough, TS5 6QX	Approve with Conditions
<b>25/0563/CLD</b> Company / Surname Proposal Address	27-Nov-2025 Steven Colligan Certificate of lawful development for single storey extension to the rear 67, Keld House Gardens, Middlesbrough, TS3 9EX	Approve
<b>25/0620/DIS</b> Company / Surname Proposal Address	28-Nov-2025 Thirteen Housing Group Discharge of condition 15 (Land contamination) on planning application 20/0735/F Former Milford House, Portland House, NorthFleet Avenue & Jupiter Court, Admirals Avenue, Middlesbrough	Full Discharge Conditions
<b>25/0502/PNH</b> Company / Surname Proposal Address	30-Nov-2025 Mr Kausar Single storey extension to rear (Length 5m, Height 3.050m, Eaves 3.050m) 4, Glaisdale Avenue, Middlesbrough, TS5 7PG	Refused
<b>25/0299/FUL</b> Company / Surname Proposal Address	01-Dec-2025 Adam Iqbal Single storey rear extension 15, The Crescent, Middlesbrough, TS5 6SG	Approve with Conditions
<b>25/0532/FUL</b> Company / Surname Proposal Address	01-Dec-2025 Stuart Lunn Single storey extension to rear (Demolition of existing conservatory) 43, Ash Green, Middlesbrough, TS8 0UW	Approve with Conditions
<b>25/0535/CLD</b> Company / Surname Proposal Address	02-Dec-2025 Zena Mahmoud Certificate of lawful development for the erection of a porch to front 14, Woodrow Avenue, Middlesbrough, TS7 8EZ	Refused
<b>25/0539/ADV</b> Company / Surname Proposal Address	02-Dec-2025 BT Group Plc Installation of 1No. internally illuminated BT Street Hub Unit and associated ad Footpath Outside of, 2 Southfield Road, Middlesbrough	Refused
<b>25/0540/FUL</b> Company / Surname Proposal Address	02-Dec-2025 BT Group Plc Installation of 1No. internally illuminated BT Street Hub Unit and associated ad Footpath Outside of, 2 Southfield Road, Middlesbrough	Refused
<b>25/0541/ADV</b> Company / Surname Proposal Address	02-Dec-2025 BT Group Plc Installation of 1No. internally illuminated BT Street Hub Unit and associated ad Footpath adjacent to, Newlands Medical Centre, Borough Road, Middlesbrough	Refused
<b>25/0542/FUL</b> Company / Surname Proposal Address	02-Dec-2025 BT Group Plc Installation of 1No. internally illuminated BT Street Hub Unit and associated ad Footpath adjacent to, Newlands Medical Centre, Borough Road, Middlesbrough	Refused

<b>25/0454/FUL</b>	03-Dec-2025	Refuse and enforce
Company / Surname	Mr Mark Butler	
Proposal	Retrospective replacement of timber windows and door to UPVC windows and composite	
Address	6, GREY TOWERS STABLES, Wyke Lane, Middlesbrough, TS7 0GE	
<b>25/0508/FUL</b>	03-Dec-2025	Approve with Conditions
Company / Surname	Jonathan Nertney	
Proposal	Two storey extension to rear (Demolition of existing single storey extension)	
Address	Land Adjacent to Oakfield House, Normanby Road, Middlesbrough	
<b>25/0547/DIS</b>	03-Dec-2025	Full Discharge Conditions
Company / Surname	Mr Mark Stuart	
Proposal	Discharge of condition 11 (Cycle store) on planning application 25/0070/COU	
Address	78, Acton Street, Middlesbrough, TS1 3NA	
<b>25/0306/COU</b>	05-Dec-2025	Approve with Conditions
Company / Surname	L WHITE	
Proposal	Change of use from student accomodation (C4) to Air BNB (C1)	
Address	Jayden House, Granville Road, Middlesbrough, TS1 3PE	
<b>25/0517/COU</b>	05-Dec-2025	Approve with Conditions
Company / Surname	Mr Safraz Hussain	
Proposal	Change of use from dwelling (Use C3) to 3 bed HMO (C4)	
Address	9, Chesham Street, Middlesbrough, TS5 6BS	
<b>25/0558/FUL</b>	05-Dec-2025	Approve with Conditions
Company / Surname	DARRELL	
Proposal	Two storey extension to side	
Address	1, Cargo Fleet Lane, Middlesbrough, TS3 0LP	
<b>25/0562/ADV</b>	05-Dec-2025	Refuse and enforce
Company / Surname	Raju Arra	
Proposal	Installation of 1no. internally illuminated signage and 1no. sign to side	
Address	97A, Ayresome Street, Middlesbrough, TS1 4PF	
<b>25/0590/AMD</b>	08-Dec-2025	Approve
Company / Surname	BDW North East	
Proposal	Non-material amendment to planning application 24/0056/MAJ to alter approved pla	
Address	Grey Towers, Nunthorpe, Middlesbrough, TS7 0PW	
<b>25/0523/FUL</b>	10-Dec-2025	Approve with Conditions
Company / Surname	Mr Hissnain Zabir	
Proposal	Change of use from dwelling to 5 bed HMO including single storey extension to re	
Address	60, Breckon Hill Road, Middlesbrough, TS4 2DR	
<b>25/0554/VAR</b>	10-Dec-2025	Approve with Conditions
Company / Surname	Barratt David Wilson North East	
Proposal	Variation of conditions 2 (Approved plans) on planning application 24/0056/MAJ t	
Address	Grey Towers, Nunthorpe, Middlesbrough, TS7 0PW	
<b>25/0559/FUL</b>	10-Dec-2025	Approve with Conditions
Company / Surname	Weaver	
Proposal	Proposed renovation and replacement of decayed windows	
Address	5, Daleston Avenue, Middlesbrough, TS5 5PA	
<b>25/0564/VAR</b>	10-Dec-2025	Approve with Conditions
Company / Surname	Barratt David Wilson North East	
Proposal	Variation of condition 2 (Approved plans) on planning application 18/0060/FUL In	
Address	Grey Towers Phase 7, Nunthorpe, Middlesbrough, TS7 0PW	
<b>25/0566/VAR</b>	10-Dec-2025	Approve with Conditions
Company / Surname	Barratt David Wilson North East	
Proposal	Variation of condition 2 (Approved plans) on planning application 19/0458/FUL in	
Address	Grey Towers Phase 8, Nunthorpe, Middlesbrough, TS7 0PW	
<b>25/0576/TCA</b>	10-Dec-2025	No Objections
Company / Surname	Mr Robert Gray	
Proposal	Fell 1 Golden border Conifer and 2no. Confiers	
Address	91, The Grove, Middlesbrough, TS7 8AN	
<b>25/0633/DIS</b>	10-Dec-2025	Full Discharge Conditions
Company / Surname	AV Dawson Limited	
Proposal	Discharge of condition 3 (Perimeter Landscaping) on planning application 25/0236	
Address	Land to the west of Riverside Park Road.	
<b>25/0504/FUL</b>	11-Dec-2025	Approve with Conditions
Company / Surname	L Ways	
Proposal	Replacement of existing external garage door and installation of a white UPVC d	
Address	45, Turnbull Way, Middlesbrough, TS4 3RS	
<b>25/0421/FUL</b>	12-Dec-2025	Approve with Conditions
Company / Surname	Edward Dasey	
Proposal	Single storey extension to side	
Address	29, Worsley Crescent, Middlesbrough, TS7 8LU	

<b>25/0440/FUL</b>	12-Dec-2025	Approve with Conditions
Company / Surname	<b>WARREN</b>	
Proposal	Proposed roof over existing two storey extension, loft conversion, single storey	
Address	159, Guisborough Road, Middlesbrough, TS7 0JQ	
<b>25/0569/FUL</b>	15-Dec-2025	Approve with Conditions
Company / Surname	<b>Mr Ian Jones</b>	
Proposal	Retrospective erection of front boundary wall including 2no. pillars	
Address	88, Green Lane, Middlesbrough, TS5 7AH	
<b>25/0353/FUL</b>	16-Dec-2025	Refused
Company / Surname	<b>Leach</b>	
Proposal	Part single storey part two storey wraparound extension and retrospective windo	
Address	78, Birchwood Road, Middlesbrough, TS7 8DQ	
<b>25/0480/FUL</b>	16-Dec-2025	Approve with Conditions
Company / Surname	<b>Ian Hugill</b>	
Proposal	Erection of outbuilding to rear	
Address	7, Fencote Grange, Middlesbrough, TS7 0AU	
<b>25/0567/CLD</b>	16-Dec-2025	Approve
Company / Surname	<b>Philip Lee</b>	
Proposal	The extension is less than 3m in depth from the original building and less than	
Address	2, Ambleside Grove, Middlesbrough, TS5 7DQ	
<b>25/0578/CLU</b>	16-Dec-2025	Approve
Company / Surname	<b>Student Property Investments Ltd</b>	
Proposal	Certificate of lawful use for 4 bed HMO (C4)	
Address	76, Errol Street, Middlesbrough, TS1 3LW	
<b>25/0580/RCON</b>	16-Dec-2025	No Objections
Company / Surname	<b>Redcar &amp; Cleveland Council</b>	
Proposal	Residential development comprising of 234 dwellings (Use Class C3) with associat	
Address	High Farm Skippers Lane Middlesbrough TS6 0HY	
<b>25/0591/CLU</b>	16-Dec-2025	Approve
Company / Surname	<b>Invested Childcare</b>	
Proposal	Certificate of lawful proposed use for change from dwelling (C3) as a single-occ	
Address	22 A, Cornfield Road, Middlesbrough, Middlesbrough, TS5 5QL	
<b>25/0601/CLU</b>	16-Dec-2025	Approve
Company / Surname	<b>Student Property Investments Ltd</b>	
Proposal	Certificate of lawful use for HMO (C4)	
Address	34, Aubrey Street, Middlesbrough, TS1 3LX	
<b>18/0728/DIS</b>	17-Dec-2025	Full Discharge Conditions
Company / Surname	<b>Luke Shaw</b>	
Proposal	Discharge of conditions 6 (Details of Roads, Footpaths and Open Spaces), 7 (Cons	
Address	College Gardens	
<b>25/0628/DIS</b>	17-Dec-2025	Part Discharge Conditions
Company / Surname	<b>Esh Living</b>	
Proposal	Part Discharge of condition 24 (Land Contamination) on planning application 24/0	
Address	Cleared site known as Grove Hill. Bound	
<b>25/0624/CLU</b>	18-Dec-2025	Approve
Company / Surname	<b>Middlesbrough Council</b>	
Proposal	Certificate of lawfulness for use of land for cemetery purposes	
Address	Thorntree Cemetery, Cargo Fleet Lane, Middlesbrough, TS3 9RL	
<b>25/0346/VAR</b>	19-Dec-2025	Refused
Company / Surname	<b>ELG Planning</b>	
Proposal	Variation of condition 2 (Approved plans) to regularise the as-built condition o	
Address	102 Ingram Road, Middlesbrough, TS3 7BQ	
<b>25/0385/AMD</b>	19-Dec-2025	Approve
Company / Surname	<b>Avant Homes</b>	
Proposal	Non-material amendment to planning application 24/0356/VAR to relocate the fence	
Address	Former St Davids School, 1 St Davids Way, Middlesbrough, TS5 7EU	
<b>25/0550/FUL</b>	23-Dec-2025	Approve with Conditions
Company / Surname	<b>Mr Taswar Hussain</b>	
Proposal	Retrospective erection of porch, boundary walls and 1no. pillar and hardstanding	
Address	86, Green Lane, Middlesbrough, TS5 7AH	
<b>25/0595/CLU</b>	24-Dec-2025	Approve
Company / Surname	<b>Invested Childcare</b>	
Proposal	Certificate of lawful proposed use as Childrens Home (Use C2)	
Address	39, Hambledon Road, Middlesbrough, TS5 5EE	
<b>25/0588/FUL</b>	29-Dec-2025	Refused
Company / Surname	<b>Hudson Calvert</b>	
Proposal	Single storey extension to front	
Address	4, Hilderthorpe, Middlesbrough, TS7 0PT	

<b>25/0594/FUL</b>	29-Dec-2025	Approve with Conditions
Company / Surname	Mr William Lewis	
Proposal	Single storey extension to rear (Demolition of existing conservatory)	
Address	12, Kedlestone Park, Middlesbrough, TS8 9XW	
<b>25/0538/FUL</b>	30-Dec-2025	Approve with Conditions
Company / Surname	Richard Nelson	
Proposal	Retrospective erection of porch and outbuilding to front	
Address	154, Ingram Road, Middlesbrough, TS3 7BU	
<b>25/0546/ADV</b>	30-Dec-2025	Approve with Conditions
Company / Surname	Mrs Aimee Muirhead	
Proposal	Installation of Mosaic Artwork to front elevation	
Address	Hemlington Locality Hub and Library, Crosscliff, Hemlington, TS8 9JJ	
<b>25/0573/FUL</b>	05-Jan-2026	Approve with Conditions
Company / Surname	Trewin	
Proposal	Proposed Single Storey Extension To the Rear	
Address	27, Sinderby Lane, Middlesbrough, TS7 0RP	
<b>25/0553/FUL</b>	06-Jan-2026	Approve with Conditions
Company / Surname	Farzana Kousar	
Proposal	Retrospective first floor extension to rear	
Address	60, Crescent Road, Middlesbrough, TS1 4QP	
<b>25/0561/PNH</b>	06-Jan-2026	Prior Notification Not Required/No Obj
Company / Surname	Mr Athbi Al-Rubaie	
Proposal	Single storey rear extension (Length 4.87m, Height 3m, Eaves 3m)	
Address	23, Burlam Road, Middlesbrough, TS5 5AN	
<b>25/0605/FUL</b>	06-Jan-2026	Approve with Conditions
Company / Surname	Mr Adam Mayhew	
Proposal	Single storey extension to rear and side	
Address	9, North Wood, Middlesbrough, TS5 7LL	
<b>25/0490/FUL</b>	09-Jan-2026	Approve with Conditions
Company / Surname	Mr Warda Ahmed	
Proposal	Two storey extension to side	
Address	8 Bentinck Avenue, Middlesbrough, TS5 6RU	
<b>25/0411/FUL</b>	14-Jan-2026	Approve with Conditions
Company / Surname	Kids Kabin	
Proposal	Single storey modular building to create activity centre (Use class E(d))	
Address	Land to the South East of Thorndyke Avenue	
<b>25/0529/FUL</b>	14-Jan-2026	Approve with Conditions
Company / Surname	SQUIRES	
Proposal	Erection of detached garage	
Address	95A, The Grove, Middlesbrough, TS7 8AN	
<b>25/0583/FUL</b>	14-Jan-2026	Approve with Conditions
Company / Surname	Mr Muhammad Jawad	
Proposal	Two storey extension to side and rear, single storey extension to rear (Demoliti	
Address	25 Ruskin Avenue, Middlesbrough, TS5 8PJ	
<b>25/0608/FUL</b>	14-Jan-2026	Approve with Conditions
Company / Surname	Hussain	
Proposal	Renovation of existing wood windows and replacement of first floor balcony door	
Address	105, Cambridge Road, Middlesbrough, TS5 5LD	
<b>20/0766/DIS</b>	15-Jan-2026	Full Discharge Conditions
Company / Surname	Mr Chris Blair	
Proposal	Discharge of condition 5 (Details of roads, paths and open spaces), condition 8	
Address	Grey Towers Farm	
<b>25/0618/COU</b>	16-Jan-2026	Approve with Conditions
Company / Surname	Greggs PLC	
Proposal	Change of use Salon (use class sui generis) to bakery (use class E)	
Address	2, Marton Estate Square, Stokesley Road, Middlesbrough, TS7 8DU	
<b>25/0619/ADV</b>	16-Jan-2026	Approve with Conditions
Company / Surname	Greggs PLC	
Proposal	Installation of new shopfront and plant, and display of associated advertisement	
Address	2, Marton Estate Square, Stokesley Road, Middlesbrough, TS7 8DU	
<b>25/0629/FUL</b>	16-Jan-2026	Approve with Conditions
Company / Surname	O Pedelty	
Proposal	Single storey extension and conversion of garage to side	
Address	81 Elmwood, Middlesbrough, TS8 0SS	
<b>25/0380/DIS</b>	19-Jan-2026	Part Discharge Conditions
Company / Surname	Thirteen Group	
Proposal	Discharge of condition 12A (Contaminated land assessment) & 20 (Method of work	
Address	Land off Cargo Fleet Lane, (Former Fleet House and Thorntree House sites)	

<b>25/0491/AMD</b>	19-Jan-2026	Approve
Company / Surname Proposal Address	Thirteen Group Non-material amendment to condition 12 on planning application to separate site Land off Cargo Fleet Lane - former Fleet	
<b>25/0625/COU</b>	19-Jan-2026	Approve with Conditions
Company / Surname Proposal Address	Swim Sports Club Limited Change of Use from Casino (Use class Sui Generis) to indoor Swimming pool (Use c Unit C1B, Teeside Leisure Park, Aintree Oval, Thornaby, TS17 7BU	
<b>25/0655/TPO</b>	19-Jan-2026	No Objections
Company / Surname Proposal Address	Mrs Pamela Crown lift and reduce 1no. Oak tree 33, Collingham Drive, Middlesbrough, TS7 0GB	
<b>25/0492/FUL</b>	20-Jan-2026	Refused
Company / Surname Proposal Address	Mr Richard Hannan Erection of 1no. self build dwelling Land South of 38 Applegarth, Coulby Newham, Middlesbrough, TS8 0UY	
<b>25/0182/ADV</b>	22-Jan-2026	Refuse and enforce
Company / Surname Proposal Address	EG on the Move Installation of 2no. internally illuminated fascia signs, 2no. banner sides, 1no 1 Acklam Road, Middlesbrough, TS5 5AY	
<b>25/0514/FUL</b>	22-Jan-2026	Approve with Conditions
Company / Surname Proposal Address	Laville Single storey extension to rear 8, Briardene Avenue, Middlesbrough, TS5 7PB	
<b>25/0584/FUL</b>	23-Jan-2026	Refused
Company / Surname Proposal Address	Lappin Single storey extensions to front, side and rear 11, Brass Castle Lane, Middlesbrough, TS8 9EF	
<b>25/0635/FUL</b>	23-Jan-2026	Approve with Conditions
Company / Surname Proposal Address	Mrs Rita Brown Installation of 1no. window to side and 1no. window to rear 38, St Davids Way, Middlesbrough, TS5 7EY	
<b>25/0642/FUL</b>	23-Jan-2026	Approve with Conditions
Company / Surname Proposal Address	BELLOW PART SINGLE, PART TWO STORET EXTENSIONS TO SIDE AND REAR, CONVERSION OF GARAGE T 23 Worsley Crescent, Middlesbrough, TS7 8LU	
<b>26/0002/TELPD</b>	23-Jan-2026	Permitted Development
Company / Surname Proposal Address	Cornerstone The removal of 6no. antennas and replaced with proposed 9no. antennas Westerby Road, Middlesbrough, TS3 8TD	
<b>25/0639/FUL</b>	28-Jan-2026	Approve with Conditions
Company / Surname Proposal Address	Richard Wilkinson Installation of 20no. solar panes to roof 17 Sessay Grange, Middlesbrough, TS7 0DH	
<b>25/0641/FUL</b>	28-Jan-2026	Approve with Conditions
Company / Surname Proposal Address	Mr/Mrs Fearn Single storey orangery to side 53, The Pastures, Middlesbrough, TS8 0UJ	
<b>25/0643/COU</b>	28-Jan-2026	Approve with Conditions
Company / Surname Proposal Address	Middlesbrough Council Change of use from public park (F.2(c) use class) to cemetery (sui generis use c Land Adjacent to Thorntree Cemetery, Middlesbrough	
<b>25/0600/COU</b>	29-Jan-2026	Refuse and enforce
Company / Surname Proposal Address	Wardman Brown Change of Use of from Butchers (Use Class E) to Hot Food Takeaway (Class Sui Gen 16 Beaumont Road, Middlesbrough, TS3 6NL	
<b>25/0347/FUL</b>	30-Jan-2026	Approve with Conditions
Company / Surname Proposal Address	Mr Majahid aslam Two storey extension to side and rear, and single storey extension to rear 48, Virginia Gardens, Middlesbrough, TS5 8BX	
<b>25/0560/FUL</b>	30-Jan-2026	Refused
Company / Surname Proposal Address	Rizwan Two storey extension to side with pitched roof and single storey extension to re 4, Marlsford Grove, Middlesbrough, TS5 8PH	
<b>25/0575/FUL</b>	30-Jan-2026	Approve with Conditions
Company / Surname Proposal Address	Mrs Lorraine Chambers Retrospective erection of single storey extension to rear 6, Woodrow Avenue, Middlesbrough, TS7 8EZ	

Total Decisions

**76**

Total Approvals

**62**

Total Refusals

**14**

Weekly List 21<sup>st</sup> Nov 25 – 30<sup>th</sup> Jan 25

Planning reference	Proposal	Location	Registration date
25/0613/DIS	Discharge of condition 16 (Fabric First/Renewables Statement) on planning application 24/0530/MAJ	Land off Cropton Way, Coulby Newham, Middlesbrough, TS8 0TL	2025-11-21
25/0614/FUL	Single storey extension to rear, double storey extensions to side and rear, roof alterations including extension and dormer	54 Gunnergate Lane Middlesbrough TS7 8JB	2025-11-24
25/0615/FUL	Single storey extension to rear	35, Northleach Drive, Middlesbrough, TS8 9PP	2025-11-26
25/0630/FUL	Single storey rear extension	73, Maddren Way, Middlesbrough, Middlesbrough, TS5 5BD	2025-11-27
25/0634/FUL	Erection of garage and sunroom to side	21, Hoskins Way, Middlesbrough, TS3 8NJ	2025-12-01
25/0637/FUL	Erection of 2.4m high perimeter fence	Site of the new Southlands Centre, Southlands Centre, Ormesby Road, Middlesbrough, TS3 0JR	2025-12-02
25/0638/FUL	Erection of part single storey and part 2 storey extension to rear	47, Emerson Avenue, Middlesbrough, TS5 7QJ	2025-12-03
25/0640/FUL	Retrospective single storey extension to rear	9, Ashford Avenue, Middlesbrough, TS5 4QL	2025-12-04
25/0626/COU	Retrospective change of use from dwelling to 4 bed HMO	51, Wicklow Street, Middlesbrough, TS1 4RG	2025-12-05
25/0645/FUL	Single storey extension to side and rear, increase roof height, creation of dormer, half a storey front extension includes external alterations	Roseville, Hollins Lane, Middlesbrough, TS5 5AS	2025-12-10
25/0648/FUL	Single storey entrance porch to the front and single storey extension to side	30, Ellerbeck Avenue, Middlesbrough, TS7 0PW	2025-12-11
25/0647/FUL	Erection of outbuilding including solar panels to proposed outbuilding and existing garage	4, STANTON HOUSE, Marwood Wynd, Middlesbrough, TS8 9AD	2025-12-11
25/0646/FUL	Two storey extension to front, infill extension to side, including installation of bi-fold doors to rear	67, Connaught Road, Middlesbrough, TS7 0BX	2025-12-12
25/0650/FUL	Conversion of 1no. dwelling to 2no. 1 bed flats	87 Crescent Road, Middlesbrough, TS1 4QR	2025-12-12
25/0652/FUL	Two storey extension to side with open ground floor	105 Green Lane, Middlesbrough TS5 7AQ	2025-12-15
25/0651/ADV	Installation of 1no. Internally illuminated fascia sign	Unit C1B, Teesside Leisure Park, Aintree Oval, Thornaby, TS17 7BU	2025-12-17
25/0653/FUL	Erection of rear extension to the first and second floors, alterations to internal layout and external elevations and creation of a bin store	118, Victoria Road, Middlesbrough, TS1 3HY	2025-12-17
25/0658/COU	Change of Use from restaurant (Use Class E(b)) to Place of worship (Use class Class F1)	22, King's Road, Middlesbrough, TS3 6NF	2025-12-17
25/0659/DIS	Discharge of condition 15 (Nutrient Mitigation Scheme) on planning application 24/0530/MAJ	Land off Cropton Way, Coulby Newham, Mid	2025-12-18
25/0656/FUL	Erection of a 1 no. one-storey garden pavilions, 1 no. greenhouse, 3 no. sheds for storage and office use including installation of secured gate entrance at The Golden Jubilee regional spinal injuries centre	JAMES COOK UNIVERSITY HOSPITAL, Marton Road, Middlesbrough, TS4 3BW	2025-12-19
25/0631/FUL	Retrospective erection of fence to side and rear	19 Hilderthorpe, Middlesbrough, TS7 0PT	2025-12-22
25/0644/TPO	Removal of 4 Hybrid Black Poplars in back garden	25, St Cuthbert Avenue, MIDDLESBROUGH, TS7 8RG	2025-12-22
25/0667/FUL	Conversion of first and second floors to form 5 self- contained flats (C3) including alterations of external access	39 - 41, Market Place, Middlesbrough, TS3 6HS	2025-12-22
25/0671/FUL	Single storey extension to rear	1 Village Green View, Middlesbrough, TS7 0RR	2025-12-22
25/0672/COU	Change of Use from Dwelling-house (Class C3) to 4 Child Children's Home (Class C2)	2, Jesmond Avenue, Middlesbrough, TS5 5JY	2025-12-22
25/0666/FUL	Single storey extension to rear (Partial demolition of existing rear offshoot)	6, Woodland View, Middlesbrough, TS7 0RN	2025-12-22
25/0673/FUL	Erection of 1no. B2 industrial building	30/31, Brewsdale Road, North Ormesby, Middlesbrough	2025-12-23

25/0674/AMD	Non-material amendment to planning application to include Photovoltaic panels including alterations to window fenestrations on side elevations A and B	Land off Cropton Way, Coulby Newham, Mid, Land off Cropton Way, Coulby Newham, Middlesbrough, TS8 0TL	2025-12-23
25/0670/VAR	Variation of condition 1 (Approved plans) on application 25/0215/FUL to increase depth of fascia, alter cladding, addition of roof mounted PV panels, change of window size and style, alteration to window and door position, change of roof material, addition of external ventilation grills, relocation of access footpath	Greenfield Site, Off Cass House Road, Opposite Hemlington Recreation Centre	2025-12-24
25/0675/FUL	Enlargement of 2no. windows and installation of new door to South elevation	TRINITY METHODIST CHURCH, Stainsby Road, Middlesbrough, TS5 4JS	2025-12-24
25/0679/DIS	Discharge of conditions 4 (Surface water drainage) & 5 (Surface water drainage management plan) on planning application 21/0073/FUL	78, North Ormesby Road, Middlesbrough, TS4 2AG	2025-12-26
25/0669/FUL	Replacement of existing pitched roof coverings	13, The Crescent, Middlesbrough, TS5 6SG	2026-01-06
25/0678/FUL	Single storey extension to side and rear (Demolition of existing single storey rear extension)	12, The Grove, Middlesbrough, TS7 8AA	2026-01-06
26/0003/FUL	Single storey extension to rear	16, Elwick Avenue, Middlesbrough, TS5 8NT	2026-01-06
25/0668/FUL	First floor extension with bow window, including installation of bow window to ground floor front elevation	10, Hemlington Road, Middlesbrough, TS8 9AJ	2026-01-07
25/0676/FUL	Two storey extension to side and rear and single storey extension to rear	30, Croft Avenue, Middlesbrough, TS5 8AX	2026-01-07
26/0007/TCA	Crown reduction to 1no. Multi-stemmed Cherry (Prunus sp.) Removal of 1no. Cypress (Cupressus sp.) 1no. Multi-stemmed Sycamore (Acer pseudoplatanus) and pollarding to 1no. Laburnum (Laburnum sp.)	62, The Grove, Middlesbrough, TS7 8AJ	2026-01-07
26/0008/LBC	Installation of overground catenary wire between the main listed building and single storey annexe and installation of network cable from first floor office through roof space to gable wall.	HEMLINGTON HALL, Nuneaton Drive, Middlesbrough, TS8 9DA	2026-01-07
25/0636/COU	Change of use from industrial unit (use class B2) to MOT testing centre and car servicing (use class Sui Generis), including erection of single storey extension, part raising of roof, 1no. fence and roller shutters and associated alterations to internal layouts and configuration (Demolition of small existing building)	2, Snowdon Road & 5-7 Snowdon Road, Middlesbrough, TS2 1LP	2026-01-08
26/0005/AMD	Non-material amendment to application 22/0693/MAJ to add phasing to conditions 7 (Road Traffic Noise Assessment), 10 (Waste Audit), 11 (Foul Water Drainage), 12 (Surface Water Drainage), 13 (Surface Water Management Plan), 31 (Method of Works Statement) and 32 (Archaeological Observation). Including the split of condition 8 (Contaminated Land Site Investigation) into 2 separate conditions.	Nunthorpe Hall Farm, Old Stokesley Road, Middlesbrough, TS7 0NP	2026-01-08
26/0011/TELPN	Installation of replacement telecommunications mast	Forty Foot Road, Middlesbrough, TS2 1HB	2026-01-09
25/0664/AMD	Non-material amendment to application 22/0334/FUL to increase the footprint of the orangery	55, The Grove, Middlesbrough, TS7 8AL	2026-01-12
26/0010/FUL	Retrospective Single-Storey Rear Extension	3, Bilberry Street, Middlesbrough, TS4 2FN	2026-01-12
26/0009/TCA	Remove 1no. to ground level T1 Philadelphus coronarius (mock orange)	67, Barker Road, Middlesbrough, TS5 5EW	2026-01-14
26/0014/FUL	Single storey extension at rear	9, Newlyn Green, Middlesbrough, TS3 0DU	2026-01-14
25/0622/FUL	Single storey extension to rear including part raising of roof	25, Maltby Road, Middlesbrough, TS8 9BU	2026-01-15
26/0015/FUL	Single storey rear extension	102, The Pastures, Middlesbrough, TS8 0UL	2026-01-15
25/0621/FUL	Change of use of green open space to residential curtilage including erection of a boundary fence	45, Rushmere, Middlesbrough, TS8 9XL	2026-01-16
26/0013/FUL	Erection of 2no 4 bedroom detached dwelling houses, including installation of driveway and detached shared garage	18, Cambridge Road, Middlesbrough, TS5 5NN	2026-01-16
26/0018/CLU	Certificate of lawful proposed use for a Residential Institute (C2)	10, Ennerdale Avenue, Middlesbrough, TS5 7BB	2026-01-16
26/0016/CLU	Certificate of lawful use for the use as an HMO	73, Worcester Street, Middlesbrough, TS1 4NS	2026-01-19
26/0021/CLU	Certificate of lawful use as an HMO	80, Wicklow Street, Middlesbrough, TS1 4RQ	2026-01-19
25/0616/DIS	Discharge of condition 22 (Tree planting) on planning application M/FP/0082/16/P to replace 2no. Tilia Cordata	Taylor Wimpey Hemlington Grange	2026-01-20
26/0019/FUL	Single storey extension to side and rear, replacement of existing roof with increased ridge height, dormer to rear and roof windows to front and rear, erection of porch to front and installation of new pedestrian gate access and widening driveway (Demolition of existing porch)	2A, Cambridge Avenue, Middlesbrough, TS7 8EJ	2026-01-20
26/0020/FUL	Single storey extension to rear	54 Cargo Fleet Lane, Middlesbrough, TS3 0PL	2026-01-20
25/0609/FUL	Retain overflow car park, created at Brambles Primary wasteland for Discovery Special Academy who have since vacated the site. Was used to house Discovery Special Academy staff whilst they were in temporary mobile units which have now been removed from site.	BRAMBLES ACADEMY, Kedward Avenue, Middlesbrough, TS3 9DB	2026-01-21
26/0027/FUL	Conversion of existing caretaker's dwelling to educational use (F1 use) and erection of single storey building for educational use (F1 use) to include linking corridor (including demolition of existing store building)	ACKLAM GRANGE SCHOOL, Lodore Grove, Middlesbrough, TS5 8PB	2026-01-21
26/0028/DIS	Discharge of condition 22 (Bat and bird boxes plan) on planning application 24/0530/MAJ	Land off Cropton Way, Coulby Newham, Mid	2026-01-21
25/0665/FUL	Conversion of existing garage to form a salon including the separation of the first floor for the creation of a 2 bed residential flat	76, St Barnabas Road, Middlesbrough, TS5 6AY	2026-01-21
26/0032/ADV	Installation of digital advertisement signage (Removed of original paper advertisement signage)	138, Gable End of, Marton Road, Middlesbrough, TS1 2ED	2026-01-22
26/0031/FUL	Single storey extension to rear	12, Dionysia Road, Middlesbrough, TS3 7AQ	2026-01-22

26/0033/COU	Retrospective change of use from 2 bed flat to 5 bed HMO	31A, Roman Road, Middlesbrough, TS5 6DZ	2026-01-23
26/0034/FUL	Erection of single storey extension	Marton Manor Primary School, The Derby, Middlesbrough, TS7 8RH	2026-01-26
26/0035/CLU	Certificate of lawful use for HMO	179, Marton Road, Middlesbrough, TS4 2EW	2026-01-28
26/0040/FUL	Single storey extension to rear, alterations to roof and conversion of loft	58 Green Lane, Middlesbrough, TS5 7SL	2026-01-28
26/0043/DIS	Discharge of condition 9 (Nutrient Mitigation) on planning application 25/0107/FUL	Tees Valley Hospital to the north east of Tees Valley Hospital, Church Lane, Middlesbrough, Acklam, TS5 7DX	2026-01-30
26/0044/DIS	Part discharge of condition 24 (Contaminated Land Validation Report) to plots 152, 153 and 157 on planning application 24/0496/VAR	Cleared site known as Grove Hill. Bound	2026-01-30

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## Appeal Decisions

Site visit made on 6 January 2026

by **R Merrett BSc(Hons), DipTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 January 2026

### **Appeal A Ref: APP/W0734/C/25/3359741**

#### **14 Sorrel Court, Middlesbrough TS7 8RZ**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Satvir Singh against an enforcement notice issued by Middlesbrough Council.
- The notice was issued on 7 January 2025.
- The breach of planning control as alleged in the notice is Without planning permission, the enlargement of the original dwellinghouse by more than half its width, by the erection of a two-storey rear extension, erected against and melding with a single storey side extension ("the unauthorised development").
- The requirements of the notice are to a) Demolish the two-storey rear extension; b) Remove from the land the resulting material and debris, together with any plant, tools and equipment used to undertake the required step.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).

**Summary of Decision: The appeal is dismissed and the enforcement notice is upheld (however attention is drawn to paragraphs 38 and 39 below).**

### **Appeal B Ref: APP/W0734/C/25/3359743**

#### **14 Sorrel Court, Middlesbrough TS7 8RZ**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Satvir Singh against an enforcement notice issued by Middlesbrough Council.
- The notice was issued on 7 January 2025.
- The breach of planning control as alleged in the notice is Without planning permission, material change of use of open (private) amenity land to residential garden use facilitated by the erection of timber close board fencing ("the unauthorised development").
- The requirements of the notice are to i) Cease the use of open amenity land (shown crosshatched black on attached plan) as garden associated with the residential use of the dwellinghouse at 14 Sorrel Court; ii) Demolish and remove from the land the close board fencing (indicated by a blue line on the attached plan) together with the fence posts, gate and gate posts.
- The period for compliance with the requirements is one month.
- The appeal is proceeding on the grounds set out in section 174(2)(b) and (g) of the Town and Country Planning Act 1990 (as amended).

**Summary of Decision: The appeal is allowed and the enforcement notice is quashed.**

### **Appeal C Ref: APP/W0734/W/25/3359737**

#### **14 Sorrel Court, Middlesbrough TS7 8RZ**

- 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 Ms Satvir Singh against the decision of Middlesbrough Council.
- The application Ref is 24/0451/FUL.
- The development proposed is Retrospective single storey extension to side, two storey extension to rear including extension to residential curtilage and associated boundary treatment.

**Summary of Decision: The appeal is allowed in part and is dismissed in part as set out below in the Formal Decision.**

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## **Preliminary Matters**

1. Appeal B includes ground (b), namely that the alleged development has not occurred as a matter of fact. However, the appellant's case is more specifically that the alleged material change of use has not occurred, the land always having been part of the appellant's garden. This amounts to a hidden ground (c) appeal, namely that there has not been a breach of planning control. I have thus dealt with Appeal B, later in my decision letter, in this context.
2. The enforcement notice to which Appeal B relates explicitly alleges a material change of use of open amenity land to residential garden use, facilitated by the erection of timber close board fencing [my emphasis]. It does not allege the erection of fencing as a separate act of operational development. For the avoidance of doubt this means that if the appeal succeeds in relation to the alleged material change of use, the notice could not then require the removal of the fencing, because the fencing is not targeted by the notice as an independent act of development. I am not satisfied that I would be able to amend the allegation accordingly, without resulting in injustice to the appellant.

## **Appeal C**

### **Main Issues**

3. The main issues are i) the effect of the two-storey rear extension and the curtilage extension and associated boundary treatment on the character and appearance of the host property and its immediate surroundings and ii) the effect of the two-storey rear extension on the living conditions of neighbouring residents, having particular regard to outlook.

### **Reasons**

#### *Character and Appearance*

4. The appeal site comprises a modern two-storey detached dwelling, set in a corner location of a cul-de-sac, within an estate of similar residential properties. The cul-de-sac in which the appeal property is situated is characterised by dwellings that predominantly have open plan frontages, with open green space extending around the sides of other nearby corner plots.
5. The two-storey rear extension is relatively large in scale, extending across a substantial part of the rear elevation of the original dwelling. It is visible from public vantage points within the cul-de-sac, and from the nearby Stokesley Road, a main distributor route, adjacent to the north-eastern boundary of the estate.
6. However, its projection, at around three metres is relatively modest, and the uppermost part of the roof sits below the ridge line of the main dwelling. Furthermore, a marked change in ground level means the extension is towards the bottom of a slope in the cul-de-sac, and is most visible from more elevated positions therein. Whilst the extension can be seen from Stokesley Road, it is sufficiently offset not to draw the eye. In addition, the facing brick used is a good match for the original dwelling.

7. These factors all serve to mitigate the visual impact of the rear extension, which I find to be well integrated with, and appropriate in scale, rather than dominant or obtrusive, in relation to the host property and the wider street scene. I reach this finding also having regard to the resulting reduced area of the rear garden. I conclude the rear two-storey extension does not result in harm to either the character and appearance of the host property or its immediate surroundings. Accordingly, I conclude that it does not conflict with Policies CS5 and DC1 of the Middlesbrough Core Strategy 2008 (CS) or with the National Planning Policy Framework insofar as they seek to achieve a high quality of design.
8. I acknowledge that the rear extension is not entirely in accordance with guidance in the Council's Urban Design Supplementary Planning Document 2013 (SPD), because the roof pitch is slightly shallower than that of the main dwelling; also because it is slightly nearer to the side boundary than recommended. However, this does not alter my above conclusion, when taking account of the individual site circumstances.
9. The Council has raised no issues in relation to the single storey side extension, and I have no reason to take a contrary view.
10. I have concluded, as set out later in my decision letter, that there has not been a material change in the use of land in this case. Notwithstanding this, the appellant has enclosed land to the side of the dwelling with a tall close-boarded fence. I concur with the Council that this results in a harsh boundary with the highway, and is at odds with the predominantly softer, open plan character of the street scene, particularly given the prominent corner location of the plot.
11. I conclude that the boundary fence, in terms of its height and position, results in harm to the character and appearance of the street scene. It is therefore in conflict with Policies CS5 and DC1 of the CS as referenced above. The proposed boundary treatment is part and parcel of the proposed curtilage extension. It follows that the latter must also be unacceptable in this case.
12. The appellant has drawn my attention to the existence of what they refer to as similar enclosure arrangements at Nos 1 and 5 Sorrel Court, which are also corner plots. However, it was apparent from my visit that the height of the fence at No 1 is significantly shorter as it extends around the corner in the street. With regard to No 5, the side boundary wall, though tall, is significantly offset from the front elevation of the dwelling, resulting in a more open corner. The circumstances of those cases thus differ from the present appeal, and do not establish a precedent which supports the grant of planning permission for the boundary treatment in this case.
13. The appellant has also sought to justify the position and design of the fence on the grounds that it provides essential security and privacy to the family. Whilst this may be the case, I am not persuaded that the privacy and security sought could not be achieved by recessing the fence further within property and away from the highway boundary. This consideration does not therefore outweigh the harm I have found.

#### *Living Conditions*

14. The Council raises the concern that the rear two storey extension is overbearing and overly dominant in relation to the adjacent properties. No 12 Sorrel Court is

adjacent to the side of the appeal property. The rear elevation of that dwelling is set somewhat further back compared to the rear elevation of the appeal dwelling, and accordingly the rear extension subject to this appeal.

15. However, No 12 benefits from a reasonable degree of separation with the dwelling situated directly behind (No 18), and also from the relatively open aspect to its opposite side, associated with the undeveloped highway corridor along Stokesley Road.
16. The dwelling directly to the rear of the appeal site is No 16 Sorrel Court. That property benefits from reasonable separation from the extension; is sited at a higher ground level in relation to it; and has a relatively open aspect to the side associated with the cul-de-sac corridor.
17. Therefore, when drawing these factors together, I conclude the rear extension has not resulted in an oppressive or overbearing outlook, from rear gardens and windows, for adjacent residents. Accordingly, this development is not in conflict with Policies CS5 and DC1 of the CS or with the SPD insofar as they seek to protect the living conditions of nearby residents.

#### ***Other Matters***

18. A local resident has raised concerns regarding the single storey side extension, in terms of overlooking from the front elevation window, and the surface water drainage arrangements.
19. However, I am satisfied there is sufficient separation between the front elevations of the appeal property and dwellings on the opposite side of the cul-de-sac, not to result in harm to privacy or outlook. I am also satisfied, from my visit, that surface water from the side extension, is channelled via a downpipe to a soakaway area; and I have not been presented with any evidence that this arrangement will result in a problem.

#### **Conclusion regarding Appeal C**

20. With regard to the boundary fence, and associated extension to the residential curtilage, I have found harm to the character and appearance of the street scene. Consequently, the appeal fails in relation to this aspect of development. Planning permission will not therefore be granted for the boundary treatment and curtilage extension.
21. With regard to the single storey side extension and the two storey rear extension, I have found that they do not result in any character and appearance harm, or harm to the living conditions of neighbouring residents. Consequently, the appeal succeeds in relation to these aspects of the development, for which planning permission will therefore be granted.

#### **Appeal A on ground (f)**

22. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to achieve the purpose. The purposes of an enforcement notice are set out in s173 of the 1990 Act and include remedying the breach of planning control (s173(4)(a)). The 1990 Act sets out that the breach may be remedied by making the development comply with the terms of any planning permission

granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place.

23. With regard to the unauthorised development, the objectives of the notice are to remove the two-storey rear extension and thus to restore the land to its condition before the breach took place. It follows that the purpose of the notice is to remedy the breach of planning control.
24. The appellant's ground (f) appeal is that the requirement to demolish the two-storey rear extension is excessive, because alternative more reasonable steps could be taken. They say that the rear extension only requires planning permission because it is joined to the single storey side extension. Therefore, if the side extension were to be reduced in length to obviate this connection, the rear extension would then be compliant with permitted development limitations. Thus, they say, an acceptable lesser step would be to amend the side extension.
25. However, in accordance with the above considerations, the breach can only be remedied by removing the rear extension and restoring the land. To require this is not therefore excessive. The ground (f) appeal therefore fails. However, this becomes an academic point (not of practical relevance), as attention is drawn to paragraphs 38 and 39 below, concerning the effect on the notice of planning permission being granted.

#### **Appeal A on ground (g)**

26. The appeal on ground (g) is that the time given to comply with the requirements is too short, and that a longer period (9 months) should be allowed. The appellant says they require this period of time to discuss a possible suitable alternative solution with the Council, and to secure and implement any resulting planning permission.
27. Whether a different development ought to be granted planning permission is a different question to how long is reasonable to comply with an enforcement notice. I find no compelling reason to extend the six-month period given in the notice for compliance, which would be proportionate and reasonable. The ground (g) appeal therefore fails. However this also becomes an academic point (not of practical relevance), as attention is drawn to paragraphs 38 and 39 below, concerning the effect on the notice of planning permission being granted.

#### **Appeal B on grounds (b) and (c)**

28. As set out above, the appeal is that the alleged material change of use has not occurred (ground (b)) and thus has not resulted in a breach of planning control (ground (c)). Grounds (b) and (c) are known as 'legal grounds'. In such cases the burden of proof rests with the appellant, with the standard of proof being the balance of probability.
29. The alleged material change of use concerns a broadly rectangular parcel of land, situated between the side elevation of the dwelling and the public highway. From the evidence submitted, including photographs appended with the enforcement notice, prior to its enclosure the land in question comprised a grassed area, vegetated with short trees and shrubs.
30. That the land in question is within the appellant's ownership, and was so when the alleged development occurred, is not disputed. However, the crux of the dispute

between the Council and the appellant is whether the lawful use of this space can be regarded as private garden land, or as being in separate use as 'open amenity land'.

31. The appellant's case is that the alleged material change of use to private garden land has not occurred, as the land subject to the notice has always been part of the appellant's private garden, with the vegetation there being neatly maintained by the occupants. In this regard they say there has not therefore been a breach of planning control.
32. It is important to have regard to the concept of the planning unit, as it is the planning unit against which the question of a material change of use would need to be judged. The planning unit is usually the unit of occupation, unless a smaller area can be identified which, as a matter of fact and degree, is physically separate and distinct, and occupied for different and unrelated purposes; the concept of physical and functional separation is key.
33. The Council refers to the loss of an open green space, which acts as an important visual buffer and public amenity within the estate. However, notwithstanding its previous separation from the rear garden by a previous fence, the land in question appears to have been part of continuous and uninterrupted space wrapping around the front and side of the appeal property. I have no reason to dispute that grass and plants, formerly present within this area to the side of the dwelling, were regularly tended and maintained by the appellant, as part of their enjoyment of the property.
34. It is possible for open plan front gardens on more modern estates, to be protected from fence enclosures, so that they provide a wider amenity function. Notwithstanding, this does not mean that such areas, which are frequently planted and maintained by and for the enjoyment of residents, no longer constitute gardens incidental to the enjoyment of those dwellings; even though they may not facilitate certain domestic activities associated with more private space. I consider the appeal site to be akin to this situation, its close physical and functional relationship, orientation and common ownership with the respective private dwelling, meaning it should be regarded as garden land, albeit with wider amenity benefits.
35. This is a subtle distinction but nevertheless significant in this case. I find that the lawful use of the appeal site land is that of a private garden, functionally linked to the respective dwelling, rather than a separate planning unit of open amenity land.
36. Whilst I have some sympathy with the Council's stance, on the balance of probability I find that a material change of use of land has not occurred in this case. The ground (b) and (c) appeals therefore succeed in respect of the material change of use of land.

## **Overall Conclusions**

### *Appeal C*

37. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

### *Appeal A*

38. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice. However, Section 180 of the 1990 Act states that where after the service of an enforcement notice planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission. Consequently, the notice will cease to have effect with regard to the erection of the two storey rear extension, because this will benefit from planning permission, which overrides the enforcement notice, and will therefore be lawful for planning purposes.
39. For the avoidance of doubt this means that the enforcement notice ceases to have effect once the planning permission is granted.

### *Appeal B*

40. For the reasons given above, I conclude that the appeal should succeed on grounds (b) and (c). The enforcement notice will be quashed.
41. In these circumstances, the appeal on ground (g) does not fall to be considered.

### **Formal Decisions**

#### **Appeal A**

42. The appeal is dismissed and the enforcement notice is upheld.

#### **Appeal B**

43. The appeal is allowed and the enforcement notice is quashed.

#### **Appeal C**

44. The appeal is dismissed insofar as it relates to 'extension to residential curtilage and associated boundary treatment'. The appeal is allowed and planning permission is granted only insofar as it relates to the single storey extension to side and two storey extension to rear at 14 Sorrel Court, Middlesbrough TS7 8RZ in accordance with the terms of the application, Ref 24/0451/FUL, dated 3 November 2024, and the plans numbered 24-326 003 Rev A (Proposed Plans) and 24-326 004 Rev A (Proposed Elevations) so far as relevant to that part of the development hereby permitted.

*R Merrett*

INSPECTOR

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