

PLANNING AND DEVELOPMENT COMMITTEE

Date: Friday 4th December, 2020
Time: 1.30 pm
Venue: Virtual Meeting

AGENDA

Please note: this is a virtual meeting.

The meeting will be live-streamed via the Council's [Youtube channel](#) at 1.30 pm on Friday 4th December, 2020

1. Apologies for Absence
2. Declarations of Interest
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Charlotte Benjamin
Director of Legal and Governance Services

Town Hall
Middlesbrough
Thursday 26 November 2020

MEMBERSHIP

Councillors J Hobson (Chair), D Coupe (Vice-Chair), D Branson, C Dodds, L Garvey, M Nugent, J Platt, J Rostron, J Thompson and G Wilson

Assistance in accessing information

Should you have any queries on accessing the Agenda and associated information please contact Georgina Moore/Chris Lunn, 01642 729711/729752, georgina_moore@middlesbrough.gov.uk/chris_lunn@middlesbrough.gov.uk

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on 6 November 2020.

PRESENT: Councillors J Hobson (Chair), D J Branson, D P Coupe, C Dodds, L Garvey, M Nugent, J Platt, J Rostron, J Thompson and G Wilson

ALSO IN ATTENDANCE: A Bircham, D Carlisle, C Henderson, Councillor C Hobson, R Towers and A Walker

OFFICERS: P Clarke, A Glossop, E Loughran, C Lunn, D Johnson and G Moore

DECLARATIONS OF INTERESTS

Name of Member	Type of Interest	Item/Nature of Interest
Councillor D Coupe	Non-Pecuniary	Agenda Item 5, Item 2 - Ward Councillor
Councillor J Hobson	Non-Pecuniary	Agenda Item 5, Items 3 and 4 - Ward Councillor

1 **WELCOME AND INTRODUCTION**2 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 2 OCTOBER 2020**

The minutes of the previous meeting of the Planning and Development Committee, held on 2 October 2020, were submitted and approved as a correct record.

3 **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.

SUSPENSION OF COUNCIL PROCEDURE RULE NO 5 - ORDER OF BUSINESS

ORDERED that, in accordance with Council Procedure Rule No 5, the committee agreed to vary the order of business.

ORDERED that the following applications be determined as shown:

20/0528/FUL Single storey extension to side and rear (with partial conversion of the roofspace), and dormer windows to front (demolition of existing garage) at 7 Claremont Drive, Middlesbrough, TS7 8ND for Mr and Mrs Rae

Full details of the planning application and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

The Development Control Manager advised that the application was seeking planning permission for single storey extensions to the side and rear of the dwelling house (with partial conversion of the roof space), and dormer windows to the front.

Members heard that the application site was a single storey, detached dwelling on the north side of Claremont Drive. The surrounding area was characterised by single storey dwellings set within generous plots at a low density.

The proposed scheme represented a re-submission of an application that had previously been approved (20/0293/FUL), which granted permission for a very similar development. The only differing elements sought for consent under the current application were the gabled roof design to the side extension and the front dormer window within it. The single storey extension to the rear and front dormer window on the left side of the property, as well as the principle of

a single storey extension on the proposed footprint, had already been considered and approved under the earlier application. The previously approved scheme had not received any objections, therefore, it had been determined under the officer delegation scheme. However, the revised scheme had received three objections, therefore there was a requirement for the Planning and Development Committee to consider the application.

It was advised that the proposed extension to the side of the property would be 4.8 metres in width and 8.1 metres in depth. It was added that the proposed roof would be gabled, with the ridge and eaves levels matching the host dwelling.

In terms of the extension to the rear, that would be 3.0 metre in length, 4.5 metres in width and would incorporate a steep roof to enable the part conversion of the roof space.

The two dormer windows to front would be the same size, measuring 2.2 metres across, 1.1 metres in height to their eaves and each featuring a pitched roof design.

The application had been subject to the standard notification of neighbouring properties and three objections had been received. The details of the objections had been included in the submitted report, for Members' consideration. The objections related to the scale, design and impact of the scheme.

Essentially, the application sought to alter the roof design of the side extension, as previously approved, from a hip to a gable and to introduce a dormer window in the front roof plane of the extension. Although forming part of the current application, the rear extension and dormer window on the left hand side of the front elevation already benefitted from planning permission, which had been granted as part of the previous application.

The Development Control Manager advised that it was considered that the alterations sought by the current application would not harm the residential amenities of the immediate neighbouring property nor the character and appearance of the local area. The impacts of the gabled roof design were not harmful to any primary room window and complemented the existing roof styles of the surrounding area.

The officer recommendation was to approve the application, subject to conditions.

In response to a Member's query, the Development Control Manager advised that although the majority of properties in the area were bungalows, a few had extended into the loft space and had hip roof designs.

An Objector was elected to address the committee.

In summary, the Objector commented:

- That the proposed development was out of character, in terms of its appearance, compared with existing developments within the area.
- There had been no objection to the initial application that proposed a hipped roof design, however, a gable roof would impact on the neighbouring property by being visually intrusive, overbearing, and causing loss of light.
- The estate was built so that each bungalow had a flat garage roof next to the neighbouring property, which had a first-floor window. That maintained the amenity and privacy of adjoining properties and provided the impression of space between dwellings.
- That paragraph 10 of the submitted report stated that the previously approved application included a hipped roof over the extension to the side, which was not a typical design feature within the estate, however, 3 and 5 Claremont Drive both had hipped roofs. The report also stated that the hipped roof design had been initially proposed to lessen the potential impact on the neighbouring property.
- The proposed plans did not respect the local context or street pattern and would be out of character for the area, to the detriment of the local amenity.

A Ward Councillor was elected to address the committee.

In summary, the Ward Councillor stated that the application was contrary to the Marton West Neighbourhood Plan, commenting that:

- Point 73 of the plan stated that dormer bungalows should be kept to a minimum to ensure that they did not over dominate or overtake the roof space. Three dormer windows was excessive and it would make the bungalow into a house.
- Point 75 of the plan stated that all extensions or modifications to existing premises would continue to reflect the original building style and materials
- Point 76 of the plan stated that additions to premises would reflect the style of the original building and not significantly change form, bulk or general design or harm its landscape character.
- Policy MW5 required alterations and extensions to residential property to reflect the scale, detailing and materials of the parent building. Specifically, the policy stated that proposals should not detract from the character of the property or neighbouring properties, not cause significant harm to the amenities of nearby properties through overlooking or overshadowing.
- Policy MW6 required new development to reflect and enhance the character of the area in terms of scale, massing, proportion, form and materials, be similar in scale and proportion to existing buildings, and not have an overbearing or detrimental impact on existing properties.

The Agent was elected to address the committee, in support of the application.

In summary, the Agent advised:

- The application represented a re-submission of an application that had been approved previously, with no objections. The only differing elements were the gabled roof design to the side extension and the front dormer window within it.
- The gabled roof design was an improvement to the originally approved scheme, as it was more in keeping with the host property and other properties located on Claremont Drive.
- The impacts of the gabled roof design were not harmful to any primary room window and would complement the existing roof styles of the surrounding area.
- The dormers were only small, pitched roof dormers which were considered to be in line with guidance and policy and would not be harmful to the streetscene.
- The proposals incorporated a good standard of design, harmonised well with the host property and as such would make a positive addition to the streetscene.
- There would be no significant adverse impacts on any neighbouring premises.

In response to a Member's query regarding the impact of the gabled roof design, the Agent explained that the window on the gable end of the neighbouring property was not a primary window. It was also added that the window existed because the property had been extended into the roofspace.

In response to a Member's query, the Development Control Manager advised that as the property would be extended into the roofspace, the dwelling would typically be defined as a dormer bungalow. In terms of location, it was also clarified that the gable roof design would bring the property closer in line with the neighbouring property.

A Member queried whether there were other properties located on Claremont Drive that had a side extension with a gable roof design. The Development Control Manager advised that a small number of properties had a side extension, and examples known included a hip and a set back gable, with the first half being a flat and then a pitched gable roof towards the rear half of the property. It was added that there were no side extensions with full gable ends in the immediate vicinity.

A discussion ensued and Members commented on the detrimental impact the scale and design of the proposal would have on the character of the property, the surrounding area and the residential amenities of the adjacent property. Concerns were also expressed that the proposed scheme would be contrary to Marton West Neighbourhood Plan.

ORDERED that the application be **Refused** for the reasons outlined below:

Scale and Appearance

In the opinion of the Local Planning Authority the proposed development is out of character with the surrounding built form as it would result in the closing of a characteristic gap between properties at first floor level which is largely unaltered elsewhere in the street scene and which is considered to be a particularly positive characteristic of the street scene and wider estate. The closing of the gap and extent of extension to the roof will result in a property which notably dominates the other modest bungalows within the street. The proposed development would therefore be contrary to the Marton West Neighbourhood Plan Policy MW5 which requires extensions to reflect the scale of the parent building, not detract from the character of the property or its neighbours, set back extensions to avoid lineation and which requires dormers to be set below the ridge line and not overtake the roofscape. The proposal is also considered to be contrary to Local Plan Policy DC1(b) in relation to its appearance and scale.

Overbearing on Amenity

In the opinion of the Local Planning Authority, the proposed extension would be excessively close to a bedroom window within the side gable of the adjacent property and would, as a result, negatively affect the amenities of that property due to it having an overbearing impact, contrary to Local Plan Policy DC1(c) and MW5(b).

20/0385/FUL Conversion of care home to 3no detached dwellings and erection of 2no detached dwellings at West Moor View, Dixons Bank, Middlesbrough TS7 8PA for Mr and Mrs Daniels

Full details of the planning application and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

The site was the former West Moor View nursing home and grounds which included West Moor House (a non-designated heritage asset) and its former extensions. Planning permission was sought for the conversion of the existing building (former house and extensions) into three separate dwellings and the construction of two new dwellings with associated parking and landscaping.

The site was located on the west side of Dixons Bank, south of the junction with Stainton Way. There was a mix of modern and traditional housing in the near vicinity with properties being typically detached with relatively generous plots.

West Moor House, located on the site, had been extended in the 1980's and operated until recently as a nursing home. There was driveway with parking and a large sunken garden to the front of the property. There were four protected trees at the site with significant landscaping to the north east, south east and south west boundaries of the property.

The scheme proposed to create five dwellings on the site. It was advised that the existing nursing home would be split into 3 dwellings by removing the link corridor between the original property and the extension and by demolishing the central link section of the extended part of the property. West Moor House would yet again become a single dwelling and the extension would become two detached dwellings. In addition, two new, two and a half storey dwellings were proposed in the garden area to the front of the existing building. Original plans submitted with the application indicated that the protected trees within the site would be removed as part of the scheme. That element of the proposal had now been changed and the protected trees were to remain.

The development would be accessed from the existing access from Dixons Bank. The existing junction was to be used, it was set back from the highway and footpath where good visibility could be achieved.

There were no changes to the existing buildings that were to be converted that would result in overshadowing or overbearing view. In respect of privacy distances, there was no change over the current situation in respect of the relationship of windows to nearby properties.

The design of the two new dwellings was modern in appearance with a reference to the existing dwellings on site, with double storey bay windows and the proportion of other windows. The proposed dwellings were of a similar proportion in terms of foot print to the two dwellings that were the extension to the nursing home.

In respect of the impact of the proposed new properties, there was a minimum distance of at least 24m between the existing building to the front and 34m to properties to the rear on St Cuthberts Drive. In view of that distance, it was considered that there would be no significant impact on the amenity of nearby residents in terms of overbearing appearance, overshadowing or loss of privacy.

In terms of heritage, the application property, which was formerly known as West Moor House was a non-designated heritage asset. There were no designated heritage assets within the site and in the immediate surrounding area. However, West Moor View care home (former West Moor House), as a traditional building of status on the Historic Environment Record (HER), could be considered a 'non-designated' heritage asset. However, it carried less weight than if it were designated heritage, such as a Listed Building.

Paragraph 197 of the National Planning Policy Framework (NPPF) stated that:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

It had been determined that the proposal should sustain the significance of West Moor House, as a non-designated heritage asset, as it would return it to its original use.

Following the consultation exercise, 27 letters of objection had been received. Concerns were raised regarding the principle of the development, the need for housing, capacity of the local infrastructure and loss of trees and green space. The full list of objectors and issues raised were set out at Appendix 1 of the submitted report.

The proposal planned to retain the protected trees and much of the existing landscaping around the boundary of the site, which provided a range of habitats for urban wildlife. The scheme would result in the loss of an expanse of lawn area but that would not have a significant effect on bio diversity assets or on the landscape character of the area.

In respect of highway safety, concerns had been raised regarding measures to improve safety at the access. The existing junction was to be used, it was set back from the highway and footpath where good visibility could be achieved. The proposed scheme, when compared to the existing use as a care home, would result in a net reduction in the number of vehicle movements associated with the site.

The proposal was considered to be acceptable in principle being in a residential area and the works to convert the existing buildings would not detract from the appearance of the host buildings. The new dwellings had been designed so that their appearance was complementary to the existing buildings on the site and so that they would not have a detrimental impact on the amenity of any nearby resident. The design and layout of the proposal was in keeping with the character of the area. It was also advised that the proposal would not result in the loss of protected trees and would retain the significance of the non-designated heritage asset. The area of green space that would be lost was not considered to be of significant public benefit and its loss did not justify refusal of planning permission. The development would not have undue impacts on the amenity of nearby residents, future occupiers or the safe operation of the highway.

The application was therefore considered to be an acceptable form of development, fully in

accordance with the relevant policy guidance and there were no material considerations which would indicate that the development should be refused. The officer recommendation was to approve the application, subject to conditions.

The Agent was elected to address the committee, in support of the application.

In summary, the Agent advised:

- The initial scheme had proposed the removal of protected trees within the site. In light of the number of objections received from local residents who were opposed to the removal of the trees, and following the advice of planning officers, the scheme was amended to ensure protected trees within the site would be retained.
- Additional tree and shrub planting would take place.
- Careful consideration had been given to the number of properties that the scheme would propose. The density of the proposed development was appropriate to the location and was lower density than some of the surrounding housing estates in the locality.
- In terms of highway safety, when the site had been used as care home, approximately 50 members of staff worked there. There were three staff changes daily, there were daily visitors to the site and deliveries of supplies and medication. The site had been operating as a care home for over 30 years and there had never been any accidents or highway safety issues reported in the past. The proposal would undoubtedly decrease the number of vehicular movements associated with the site.
- As the site was a private site, the loss of green lawn would not impact on the public. In addition, the loss of lawn would not have a detrimental impact on the habitats for wildlife.
- The development was of high quality and was in keeping with the character of the area in terms of its design and layout and by re-configuring the non-designated heritage asset back into an individual dwelling, it would retain its significance.

An Objector was elected to address the committee.

In summary, the Objector advised:

- The division of the site into five unequal plots harmed the original heritage building.
- The proposed properties did not have garages, as sufficient land had not been allocated to them in the design brief.
- If the site was divided into three proportionate plots, there relevant magnitude would be more balanced.
- A shared drive was not adequate for five properties, given the size of the site, and was contrary to the Marton West Neighbourhood Plan.
- The Marton West Neighbourhood Plan stated that the loss of green space that made a positive contribution to the area should be resisted.
- There was already a surplus of executive homes in south Middlesbrough.
- In terms of highway safety, three dwellings would have less of an impact than five dwellings on the access and egress onto the three lane section of Dixons Bank, which carried up to approximately 25,000 cars per day.
- There was an issue with waste collection and a large number of bins being located at the end of the single private driveway.
- The residents of West Moor requested that the application be refused and that a revised scheme be submitted for no more than three dwellings, which would involve the conversion of the existing building.
- In terms of the 5 year housing supply contained in the 2018/19 monitoring report, Middlesbrough was required to build 300 homes per year, Middlesbrough was exceeding that figure.
- Middlesbrough Council's Statement of Community Involvement stated that for planning to be seen as positive, all sections of the community needed to have confidence that the process was legitimate, operated in a timely manner and produced outcomes that were in the public interest. The process should be easy to follow and should be delivered in a fair, transparent and efficient manner.
- The proposed scheme clearly impacted on the heritage status of West Moor House, in

particular the harm and detrimental impact that would be caused by the development of two new builds on the site.

A Ward Councillor was elected to address the committee.

In summary, the Ward Councillor stated that:

- Middlesbrough now had in-excess of a 5 year supply of housing.
- There was no objection to the original property being divided into three dwellings and retaining the green lawn and landscaping, however, the two new builds proposed would have a detrimental impact on the neighbouring properties.
- With the additional lane on Dixons Bank, access and egress would be problematic.
- The impact of refuse and recycling bins being located on the public highway would have an impact on pedestrians.

In response to the comments raised, the Development Control Manager advised that in terms of highway safety, the site had planning approval to operate as a care home (although that use was not currently in operation). Members were advised that if the site was to operate as a care home once again, in comparison to the proposed scheme of five dwellings, it would cause increased traffic generation due to staff, visitors and deliveries regularly accessing the site. It was added that the proposed scheme would result in a net reduction in the number of vehicle movements and would not have undue impacts on the safe operation of the highway.

In terms of the Marton West Neighbourhood Plan, the Development Control Manager advised that the green space associated in the site was not referenced in the plan.

With regards to waste collection, the Development Control Manager advised that a bin stand located at the entrance to the site had been proposed. The occupiers would be required to place their refuse and recycling bins on the nearest public highway (Dixons Bank) and return the receptacles back within the property after collection, which was the same arrangement as for the majority of properties fronting onto highways as collections could only be made from the roadside of a public highway. In addition, Waste Services already currently operated on key routes throughout the town, such as Marton Road and Acklam Road.

The Head of Planning confirmed that the Local Authority did have in excess of a 5 year supply of housing. However, if the scheme was acceptable in planning terms, then the 5 year housing supply was not a relevant consideration. Allowances were always made for windfall sites, those were sites in urban areas whereby housing development had not been identified but the principle of development was acceptable.

In response to a Member's query, the Development Control Manager advised that the scheme proposed the conversion of care home to 3no detached dwellings and erection of 2no detached dwellings. If Members were in agreement with the conversion of the care home, but wished to refuse the erection of the two new builds, then there would be a requirement to refuse the application in its entirety. The Applicant would then have the ability to appeal the decision or submit a revised scheme.

A discussion ensued and Members commented on the principle of the development, the impact on the amenity of nearby neighbours, highway safety, the heritage asset and loss of green space.

Concerns were raised in respect of the future of the site, if the application was refused.

ORDERED that the application be **Approved on Condition** for the reasons set out in the report.

20/0376/FUL Erection of two storey dwelling with detached double garage (demolition of existing bungalow) at 8 Hemlington Road, Middlesbrough for Mr Watson

Full details of the planning application and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the

National Planning Policy Framework and the Local Development Framework.

The Development Control Manager advised that planning permission was sought for the erection of a two storey dwelling and detached double garage at 8 Hemlington Road, which would include the demolition of the existing bungalow. It was added that the vehicle access to the dwelling would be provided from the existing access, which was directly off Hemlington Road.

The site was located on a corner plot at the junction of Hemlington Road and Glebe Gardens and was within the Stainton and Thornton Conservation area.

Within the immediate vicinity of the application site was a mixture of house types and designs. There were modern detached properties located to the west and south within Glebe Gardens. To the east were individual cottage designed terraced properties set back from the main road with small front garden areas. Those terraced properties had varying front elevation widths and roof heights with a relatively uniform front building line. In contrast, opposite the site were two large semi-detached properties.

The applicant was seeking the erection of a single two-storey four bedroomed dwelling and detached double garage at the site. In light of officer comments and the objections received, the proposal had been amended in design since its initial submission. The revised design and reduced scale of both the dwelling and the garage were considered to achieve a property which was in keeping with the existing scale, design and character of the properties in that section of Hemlington Road and the Stainton and Thornton Conservation Area.

Since the original submission, the following changes had been made to the proposal:-

- the dwelling had been moved forward within the plot by 0.3 metres;
- the two-storey off shoot projection had been reduced by 1 metre;
- the walk on terrace had been removed and a Juliet balcony provided;
- the pitched roof projection on the front elevation had been removed and the ridgeline roof height had been stepped with a half dormer window;
- there were no windows on the east side elevation, except a bathroom window;
- the ground floor levels had been lowered by 0.5 metres; and
- the garage roof design had been amended to a pitched roof.

Following the neighbour consultation and the site/press notices there had been 6 individual letters of objection received and a letter of concern. The objections and concern were summarised in the submitted report and referred to the scale of the development and its impact on the streetscene, the conservation area, amenity and highway safety.

The main considerations for the proposed scheme were the principle of the development, the impact on the character and appearance of the streetscene and the Stainton and Thornton Conservation area, the impact on the privacy and amenity of the neighbouring properties and the impact on highway safety.

The separation distances, location of the dwelling and the position of the windows/doors relative to other properties were considered to ensure the privacy and the amenity of the neighbouring properties would not be significantly affected. The use of the existing vehicle access and proposed parking provision planned to ensure there would be no additional impact in terms of highway safety. Officer recommendation was to approve subject to conditions.

An Objector was elected to address the committee.

In summary, the Objector advised:

- the revised proposal would not reduce the impact of the scheme on the neighbouring property;
- if the scheme were to be approved, the 8 metre wall would result in the loss of light to rear garden area, entrance to the rear and sitting room area of the neighbouring property;

- the proximity of the dwelling to the boundary of the neighbouring property was a cause for concern;
- the two-storey property would be overbearing and would block natural light to the neighbouring property; and
- the proposed scheme had resulted in increased levels of anxiety and stress for the occupiers of the neighbouring property.

A Member expressed concern in respect of the objections raised, in particular the highway safety implications. The Development Control Manager advised that there was already an existing access and property on the site and the layout of the plot showed that vehicles had the ability to drive in and out of the site forwards as there was a small turning area at the front of the site. Therefore, with the existing vehicle access, the proposed scheme would have no additional impact on highway safety. It was also added that a garage and long driveway would also be provided as part of the scheme.

ORDERED that the application be **Approved on Condition** for the reasons set out in the report.

20/0205/FUL Part change of use from church and community centre (D1) to a public house (A4) at Former St Cuthberts Youth and Community Centre, Newport Road, Middlesbrough TS5 4BY for Parker Barras

Full details of the planning application and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

The Development Control Manager advised that the purpose of the application was to seek planning permission to use part of an existing community centre as a drinking establishment (A4) and the introduction of a beer garden to the rear of the site. It was commented that there would be no significant alterations to the external appearance of the premises.

The application site formed part of a former church and community hall which was situated at the western end of Newport Road.

The application was subject to the standard notification of neighbouring properties, which included 34 different addresses. After the statutory consultation period, three objections had been received.

In summary, the comments referred to the potential increase in anti-social behaviour, noise and disturbance, parking problems and also insufficient street lighting.

The key issues that required consideration were the principle of a town centre use being situated outside any designated centre and the potential detrimental impacts of the use and its associated operations on the nearby residential properties.

A sequential assessment had been undertaken in an attempt to provide justification for the proposed use in the edge-of-centre location. The proposed scheme had failed the sequential test, however, it was considered that the scale of the use would not be harmful to the vitality and viability of Middlesbrough Town Centre or any other recognised local centre. It was also considered that the proposed use would, in that particular location, assist in serving the Newport community more sustainably than existing provisions further afield could achieve.

Although the site was within 300 metres of the far north western edge of Middlesbrough Town Centre's defined boundary, and pedestrian routes were in existence, Newport was somewhat severed from the rest of Middlesbrough and the Town Centre as a result of the A66 and the Newport Interchange roundabout.

It was understood that Newport previously had some conveniences/uses which would have normally been associated with a local centre, however, there was no existing public house currently serving that local area. It was considered that the proposed scheme would provide a degree of sustainability for those living in Newport and assisted in providing a cluster of

community provisions within the locality.

With the proposed location being in close proximity to residential properties, objections had been received based on the likely noise and associated disturbance from the use on local amenity. Conditions had been recommended restricting hours of opening and times of refuse collection, as well as the undertaking of a noise risk assessment to mitigate for any increased noise levels.

The proposed development was close to residential properties and the garden of one neighbouring property would be located next to the proposed beer garden, however, the public house would be set away from the residential properties. It was considered that the noise associated with the change of use would not be of a level likely to result in an unacceptable impact on nearby premises. However, the building did need to be adequately sound proofed to prevent noise transfer and that was secured by a condition. A condition would also ensure that the use of the beer garden was limited and would not be in use after 8.00 p.m.

As the building currently had a community use, the onsite parking would remain and was adequate for the proposed use.

On balance, it was the officer view that the proposed change of use of part of the existing community centre to a drinking establishment was acceptable, and it was the officer recommendation to approve the application, subject to conditions.

In response to Members' queries, the Development Control Manager advised that the beer garden could be accessed via the car park located within the site and the boundary of the beer garden would be bordering residential curtilage (the neighbouring property's garden).

A discussion ensued and Members expressed concern in respect of the detrimental impacts of the use and its associated operations on the nearby residential properties and the increased levels of noise and disturbance.

A Member also commented that the proposed location (close to the A66) could be dangerous for those who had consumed alcohol.

ORDERED that the application be **Refused** for the reasons outlined below:

Noise and Disturbance

In the opinion of the Local Planning Authority, the proposed change of use of the premises and associated curtilage would result in undue noise and disturbance for surrounding residents as a result of the operation of the use, including the general comings and goings of people and congregation of people within this area, contrary to Local Plan Policy DC1(c).

4

APPLICATIONS APPROVED BY THE HEAD OF PLANNING

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

NOTED

Planning & Development Committee - 4th December 2020

Town planning applications which require special consideration

1	20/0199/FUL Marton West	Applicant Stonebridge Homes And Susan Jamieson Ritchie Agent Miss Lucie Jowett	Demolition of existing buildings and the erection of 69 dwellings (including 19no. bungalows) with open space and infrastructure Land At Ford Close Riding Centre, Brass Castle Lane, Middlesbrough TS8 9EE
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APPLICATION DETAILS

Application No:	20/0199/FUL
Location:	Land At Ford Close Riding Centre Brass Castle Lane Middlesbrough TS8 9EE
Proposal:	Demolition of existing buildings and the erection of 69 dwellings (including 19no. bungalows) with open space and infrastructure
Applicant: Company Name:	Stonebridge Homes and Susan Jamieson Ritchie Stonebridge Homes and Susan Jamieson Ritchie
Agent: Company Name:	Miss Lucie Jowett Barton Willmore
Ward:	Marton West
Recommendation:	Approve subject to 106 Agreement

SUMMARY

Permission is sought for the demolition of some existing buildings on the site and the erection of 69 dwellings, including 19 bungalows, with associated access, landscaping and infrastructure on land at the Ford Close Riding Centre to the east of Brass Castle Lane.

Following a consultation exercise objections were received from residents from 25 properties, Community Councils, Nunthorpe Parish Council and Ward Councillors.

The site is allocated for housing in the Local Plan therefore the principle of residential dwellings on this site is acceptable. It is considered that the proposed development would provide a good mix of dwelling types which are of a high quality design and materials, in an attractive landscaped setting with an appropriate layout. The development will not result in a significant detrimental impact on the amenities of existing local residents. Localised and strategic works to the highway network will mitigate against the impact of the development on the local highway network.

The development meets the requirements of the relevant national planning policies detailed within the NPPF and Local Plan policies, specifically H1, H10, H11, H12, H30, H31, CS4, CS5, DC1 and MW4. The recommendation is for approval of the application subject to conditions and a S106 agreement.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The site is located to the east of Brass Castle Lane, south east of the junction with Fulford Way. It comprises 5.5ha of open fields and mature woodland. Part of the site has an existing dwelling and buildings relating to the riding school located along the northeast boundary of the site. A telecommunications mast is located in the southeast corner of the site.

An existing residential estate is located to the northwest of the site, Middlesbrough Golf Club lies to the southwest. A woodland belt within the site is located to the south with housing past it, with further woodlands located outside the site to the northeast. The ongoing Grey Towers housing development is located to the southeast and northeast at a lower ground level to the application site.

Permission is sought for the demolition of some of the existing buildings on the site and the erection of 69 dwellings on the Ford Close Riding site. The dwellings proposed consist of:

- a) 11no. two bed bungalows;
- b) 8no. three bed bungalows;
- c) 40no. four bed two-storey houses; and,
- d) 10no. five bed two-storey houses.

All the properties are detached except for the two bed bungalows that comprise 4 pairs of semi-detached dwellings and three in a terrace row.

The associated works proposed include the construction of highways, landscaping and drainage works.

Documents submitted in support of the application include:

- o Planning Statement;
- o Design and Access Statement;
- o Transport Assessment;
- o Flood Risk Assessment;
- o Noise Impact Assessment;
- o Ecology Assessments;
- o Archaeology Assessments;
- o Arboricultural Impact Assessment; and,
- o Statement of Community Involvement.

PLANNING HISTORY

No relevant planning history

PLANNING POLICY

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

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

Middlesbrough Local Plan

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

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

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:

H1 - Spatial Strategy
 H10 - Nunthorpe
 H11 - Housing Strategy
 H12 - Affordable Housing
 H30 - Land at Ford Close Riding Centre
 H31 - Housing Allocations
 CS4 - Sustainable Development

CS5 - Design
CS17 - Transport Strategy
CS18 - Demand Management
CS19 - Road Safety
CS20 - Green Infrastructure
DC1 - General Development
MW2 - Housing Allocations
MW4 - Land at Ford Riding School
UDSPD - Urban Design SPD
HGHDC - Highway Design Guide

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

CONSULTATION AND PUBLICITY RESPONSES

Consultation letters were sent to local residents, a press notice issued and site notices posted around the site. Following receipt of revised plans which included bungalows within the developed further consultation exercises were carried out. The comments below are in response to the original and revised plans.

Objections have been received from residents from 25 properties, these are summarised below.

- a) In conflict with NPPF;
- b) No need for more housing in the area, executive housing not required, other sites looking for smaller houses;
- c) Exceeds local plan allocation is for 50 dwellings;
- d) With bungalows included with larger footprints the number of dwellings should be reduced to 45;
- e) Housing is already meeting and will exceed the 5 year supply;
- f) High density;
- g) Overdevelopment;
- h) Marton West Neighbourhood plan requires predominance of bungalows but none are provided;
- i) If approved it will demonstrate the Council's contempt for the Neighbourhood plan, that they are a sham and are to be ignored at will by Councils and developers alike;
- j) Approval will defeat the object of the Council's own strategic policies to promote the social, environmental and economic wellbeing of the area;
- k) Additional housing has been agreed in the area but no changes have been made to the local infrastructure;
- l) Inadequate highway network/infrastructure;
- m) Opportunity to incorporate the junction of Brass Castle Lane with the traffic light controlled junction on Dixons Bank, the development will make this junction worse;
- n) Inadequate access;
- o) Access road is a country lane which is not adequate for this level of development with a dangerous slope and blind corner further down the road;
- p) Traffic calming required;
- q) Increase in traffic and congestion;
- r) Danger to pedestrians/school children;
- s) Construction traffic will cause issues accessing the site;
- t) Noise from the construction;
- u) Increase in noise;
- v) Loss of view;

- w) Sustainable transport hasn't been considered, it should be a key part of the development;
- x) No footpaths along Brass Castle Lane;
- y) Will impact physical and mental well-being of residents due to increased class sizes and time in traffic not with friends and families;
- z) Inadequate infrastructure i.e. doctors, schools, community centre;
- aa) Need to upgrade the Marton BT Exchange Cabinet 5 for superfast broadband;
- bb) New houses will result in reduced quality for existing broadband users;
- cc) Loss of green/open space;
- dd) Lack of usable green space;
- ee) Loss of trees;
- ff) Impact on wildlife/ecology;
- gg) Hedge running through the site should be retained, it is a wildlife corridor between the woods;
- hh) Loss of privacy;
- ii) Loss of light;
- jj) Overshadowing of neighbouring properties;
- kk) Poor layout;
- ll) Poor design of houses;
- mm) Harm character of the area;
- nn) Flooding Issues;
- oo) Permission has been refused for housing at the golf club;
- pp) No amenity improvements promised as a benefit from the recent developments has been delivered, they need to be in place before any more development;
- qq) Grey towers site increased numbers without full consultation;
- rr) Houses aren't selling on other sites;
- ss) Potential archaeology and its loss should be considered;
- tt) Inadequate public consultation has been carried out by the developer;
- uu) If approved developer will try to squeeze more smaller houses on the site increasing the numbers;
- vv) S106 money should be used for upgrading broad band and traffic calming on Brass castle lane and surrounding rat runs.
- ww) Changes made in revised scheme to add bungalows is tokenistic, 19 bungalows is not a predominance;
- xx) Revised access and speed limit welcomed but may still be insufficient to prevent accidents occurring; and,
- yy) Site is not in Nunthorpe, it is in Marton and should be advertised as such.

Resident comments received from:

- 1) 8a Astbury
- 2) 12 Bonny Grove
- 3) 24 Bonny Grove
- 4) 5 Brass Castle Lane
- 5) 30 Chandlers Ridge
- 6) 14 Church Close
- 7) 26a Connaught Road
- 8) 7 De Brus Park
- 9) 6 Eagle Park
- 10) 110 Eagle Park
- 11) 290 Eagle Park
- 12) 22 Fairy Dell
- 13) 5 Glenn Crescent
- 14) 18 Grey Towers Drive
- 15) 7 Grey Towers Stables
- 16) 98 Gunnergate Lane
- 17) 34 Hawkstone
- 18) 4 Leckfell Close

- 19) 10 Montrose Close
- 20) 7 Muirfield
- 21) 1 The Resolution
- 22) Sunnycross House, Brass Castle Lane
- 23) 6 Thimbleby Close
- 24) 1 Watchgate
- 25) Woodland, West Moor

Planning Policy - MBC

The proposed development exceeds the number of properties for the Ford Close Riding site as detailed within the Housing Local Plan policy H30. However, policy H1 allows for additional dwellings if the design and quality of the development is not compromised.

The development does meet the National Planning Policy Framework aims and objectives regarding increasing and delivering a wide choice of high quality homes. In addition the introduction of the bungalows is in accordance with the Marton West Neighbourhood Plan and enhances the types of dwellings available adding to the quality of the development.

There will also be developer contribution requirements to mitigate against impacts deriving from the proposal.

Highways - MBC

The development has been considered in relation to the impact on capacity and safety of the local highway network. Developer contributions are required through a s106 agreement to mitigate against impacts as a result of the development.

The design of the internal layout is considered to be acceptable with the scheme being designed and constructed to a standard suitable for adoption. Car parking has been provided in accordance with the Tees Valley Design Guide and in curtilage parking has been supplemented with areas of managed visitor/casual caller parking.

No objections are raised subject to relevant conditions.

Waste Policy - MBC

The shared drives all have collection points on the public highway next to the shared drives as Waste Services are unable to travel over the shared drives.

Environmental Health - MBC

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

Public Rights of Way - MBC

The development includes connections to existing public rights of way and routes through the site, including the woodland, connecting to the adjacent Grey Towers site. No objections subject to relevant conditions.

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.

Archaeology

No objections subject to a condition for a written scheme of investigation (WSI) for an archaeological watching brief.

Secured by Design - Cleveland Police

In relation to this application, I recommend applicant actively seek to develop to accredited Secured By Design Gold standards, Silver award should be the minimum standard sought. Full guidance can be found at www.securedbydesign.com and the Homes 2019 Guide therein.

In any case it is recommended applicant contact me for any advice, input I can offer and on viewing of the proposal I would add the additional comments being aware that designing out crime is referred to in the Design & Access statement.

Specific advice in relation to the design and layout has been given.

Northumbrian Water

No objection subject to a condition relating to foul flows.

Northern Gas

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

Tees Valley Local Access Forum

Members of the forum would like to see construction of proper walking and cycle routes to enable residents to travel beyond their immediate area sustainably.

Councillor Chris Hobson

The development does not comply in any way shape or form with the Neighbourhood Plan which says a predominance of bungalows. Too many houses.

Councillor Mieka Smiles

- The development doesn't adhere to the Marton West Neighbourhood Plan.
- The development puts undue pressure on an already stretched infrastructure - including Nunthorpe community facilities (or lack thereof), education provision, roads - explicitly the Marton Crawl.
- The nearby Dixons Bank junction is of particular concern and a poor access is proposed.
- We as a community have had a number of un-kept promises tied into development of nearby land - a community centre, woodland walks, restaurant and pub.
- Our residents need a fit for purpose GP surgery.
- Any development here will mean further erosion of our green space and potential loss of habitats.

Councillor Jon Rathmell

I object to this development as it is not in keeping with MBC's Local Plan which suggested a maximum of 50 high quality, high value executive residential development - whereas this application contains 69 dwellings.

The initial Marton West Neighbourhood Plan (November 2016) suggested 40% bungalows, but this application contains 11.6%. This figure is for a total of 8 bungalows - 6 detached and 2 semi-detached 3-bedroomed bungalows.

This development will cause infrastructure issues and safety concerns due to it opening on to Brass Castle Lane. This will increase the difficulties caused by the Brass Castle Lane / Dixons Bank junction plus more vehicles to join both the 'Marton Crawl' and Brass Castle Lane traffic. A junction which is under consideration of highways for remodelling due to the

safety concerns raised by myself, Nunthorpe Parish Council and Nunthorpe Community Council.

This development will also see a further loss of green space and natural wildlife habitats including hedgehogs which are currently at risk in the U.K.

Nunthorpe Community Council

- Lack of infrastructure (transport, including cycling, sufficient school places, GP surgery, and no community centre in Nunthorpe which is 200 metres from this development). Emphasis must be made of the unfulfilled promises going back 9 years and more) of adjacent previous developers/MBC of improved infrastructure from the outset.
- Lack of demand for further houses of this type
- Very poor access to the proposed - very dangerous exit with ever more traffic on Brass Castle Lane
- Poor design of houses and estate layout, with high density
- Loss of established trees and green space
- Potential loss of archaeological remains and habitat

Marton West Community Council

- The number of proposed dwellings is still far above those in the current Local Plan
- The number of bungalows is not considered to be adequate. We do not accept the reasoning behind the number proposed with regard to the Marton West Neighbourhood Plan specifications
- The general infrastructure is not adequate for this number of dwellings, or even those in the Local Plan
- Brass Castle Lane is not an appropriate road for the numbers of cars which will have access and egress to it
- The junction of Brass Castle Lane and Dixons Bank is already a problem
- Local residents to this site are concerned that their broadband connections are already inadequate. Continuing Covid restrictions re-emphasize this as a problem for those working from home.

Nunthorpe Parish Council

- Developer did not consult NPC about the proposal
- apparent lack of awareness of current negotiations between Middlesbrough Council and Nunthorpe Parish Council about road safety concerns which directly relate to the connection between Brass Castle Lane and Dixons Bank. Works to prepare a preliminary design and estimate for this junction is ongoing with the Council. Permission should not be given until a commitment has been made to improve this dangerous junction.
- submission relies on the 2014 Local plan which is outdated and does not reflect the changing moratorium on house building in this area which was promised by the Mayor.
- Focus on executive housing is anachronistic and more are proposed than the outdated framework states.
- Consultation on the framework for development of the area is ongoing where a consensus is emerging that bungalows and accessible homes should be accorded highest priority.
- Serious infrastructure issues already existing in the area i.e. Marton Crawl, lack of medical, educational and community facilities.
- Location of access on Brass Castle Lane and increased traffic on the lane poses additional safety hazards due to limited footpath provision.
- Impact of housing on the provision of broadband in the area.

- Persimmon application was rejected due to density and infrastructure. This revised application is similar in that it does not conform with 2014 adopted Local Plan or the Marton West Neighbourhood Plan.
- Policy H30 states high quality, high value executive development for a maximum of 50 dwellings. The application is for 69 dwellings.
- Marton West Neighbourhood Plan requires element of bungalows with an aspiration for up to 40% subject to overall deliverability. There are only 8 bungalows.
- Potential loss of mature trees and hedges.
- Mitigation for wildlife corridors.

Public Responses

Number of original neighbour consultations	51
Total numbers of comments received	36
Total number of objections	35 (figure includes multiple comments from same household)
Total number of support	0
Total number of representations	1

Site notice posted –
19th May 2020

PLANNING CONSIDERATION AND ASSESSMENT

1. During the application process the developer has worked with the planning officers to make any changes considered necessary to improve the quality of the proposed scheme. Revised details were submitted introducing bungalows to the development (initially 8 then increased to 19) and making changes to the layout. The revised details are the subject of this report.
2. Comments received which are not material planning considerations will not form part of this assessment, they include but are not limited to; consultation processes for other development sites, assumptions the developer will seek additional houses once approved, noise during the construction, loss of views and development should be on brownfield sites.
3. Comments have also been received in relation to ongoing consultations regarding overall development in the area. Currently there are no adopted or emerging planning policy or guidance as a result of these consultations and therefore they bear no weight in the decision making process for this application.

Principle of Development

4. The principle of housing on this site has been approved through the allocation of the site in the adopted 2014 Housing Local Plan under policy H30. Policy H30 states proposals are expected to provide a maximum of 50 high quality, high value executive dwellings, which reflect the housing types within the surrounding area. The proposed development seeks consent for 69 dwellings, by providing a mix of house types predominately detached dwellings with some semi-detached and three terrace properties ranging from 2 to 5 bedrooms and including 50 two-storey dwellings and 19 bungalows.
5. A number of comments have been received in relation to the number of properties proposed not being in keeping with policy H30 as it exceeds 50. Whilst policy H30 states a "maximum of 50 dwellings" policy H1 (Spatial Strategy) states "proposals for

fewer than the minimum or more than the maximum dwelling requirements for a site will only be considered where it can be clearly 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." As a result the number of dwellings proposed in itself is not a planning reason to refuse the application as more than 50 dwellings can be acceptable in planning terms subject to full consideration of the design and quality of the development and site specific policy requirements.

6. Some objections state that executive houses are not required and smaller properties are needed in the town other comments highlight the need for bungalows in this area of the town referring to the Marton West Neighbourhood Plan requirements for bungalows on the site.
7. The application site is within the boundaries of the 2016 adopted Marton West Neighbourhood Plan. Policy MW2 supports the sustainable growth of Marton West in accordance with the Local Plan. Policy MW4 supports development proposals at the Ford Close Riding School site which provide for a high quality residential development, and where an element of the dwellings provided are bungalows.
8. Whilst a number of resident comments refer to the need for a predominance of bungalows on the site this is not stated within the Marton West Neighbourhood plan. The neighbourhood plan states at paragraph 35: "Marton West residents recognise the need for more housing but would suggest that this site has at least 40% of the development built as bungalows as a way of partly meeting the shortfall of this type of housing in south Middlesbrough outlined in the 2012 Strategic Housing Market Assessment. It is acknowledged that the figure of 40% is an aspiration and that the proportion of bungalows on the site will be a matter to be considered in the context of the overall deliverability of the development."
9. In response to objections and officer comments reiterating the requirements of policy MW4 revised plans were submitted proposing 19 bungalows including both three and two bed bungalows within the site. This represents nearly 28% of the proposed dwellings. Whilst this is not the aspirational 40% referred to in the MWNP it represents a significant increase in the numbers originally proposed and steps towards meeting the aspirational target. When considering this in relation to the context of the overall deliverability of the development the number of bungalows is considered to be acceptable and in accordance with policy MW4 and will provide sought after bungalows in the south of the town.
10. Policy H12 requires 15% of dwellings to be affordable provided as 5% on site and a 10% off-site contribution. Policy H12 allows variations in the proportion of on/off-site provision where it can be demonstrated that this would better contribute to the creation of mixed and balanced communities through the diversification of housing tenure. Policy H30 states 15% on site affordable housing or off site provision is required. The proposed development includes 19 bungalows on site, 8no. detached three bed bungalows and 11no. semi-detached and terrace two bed bungalows. The 11no. two bed bungalows will provide the required 15% affordable housing on the site. This meets the requirements of both policy H12 and H30.
11. The affordable bungalows are dotted around the site rather than being located in one area. The quality of the development has not been compromised with the introduction of smaller units, but rather complements and enhances overall design quality in terms of placemaking. The bungalows are designed to reflect the larger dwellings in terms of design and do not compromise on the overall quality of the scheme. They will provide highly sought after properties in Marton West providing a

mixed and balanced community and diversification of housing tenure in line with policy H12.

12. Whilst it is noted that the Local Plan is under review and discussions are taking place regarding developments within Nunthorpe and Marton West. The adopted Local Plan is the current legal starting point. An application cannot be refused on the basis of an emerging local plan which has not currently reached the publication stage.

Highways

13. Development proposals have been assessed using the authority's strategic (Aimsun) highway model, which includes committed development and committed highway schemes. The model assessed the impact of the proposed access arrangements and the traffic generated by 69 dwellings.
14. Trip rates used in assessing the impact of the proposed scheme are consistent with other recently approved schemes and based on survey data of similar sites. Using these trip rates the proposed development is anticipated to generate in the region of 54 two-way movements during the peak periods. This level of traffic generation represents a little under 1 vehicle movement per minute.
15. The model distributes the traffic over the network using a variety of data so whilst this level of traffic may be seen at the Brass Castle Lane junction, the number of vehicle movements and any potential impact will further diminish as development traffic becomes a smaller proportion of traffic flows as you move away from the site.
16. Over the model area development traffic has been demonstrated to not lead to a material impact. In the interests of robustness and to assess localised impact at junctions further detailed work was undertaken to understand the potential impact of development traffic in terms of junction capacity, queue lengths and vehicle speeds.
17. When these junctions were assessed in detail the modelling demonstrates that the traffic associated with the proposed development would not materially impact on the operation of any of the junctions assessed, with only small variations in the level of queueing and delay predicted to occur.
18. The small variations identified are of a level that would be expected to be seen within the daily fluctuations that are seen in traffic flows that arise from a multitude of factors including weather, day, time of year, road works etc.
19. Overall the model output report demonstrates that the proposed development will not have a material impact on the operation of the surrounding highway network nor can be classed as severe, which is the benchmark set out in the NPPF against which proposals are assessed.
20. Access to the proposed site is to be taken from Brass Castle Lane via a new junction. The sightlines at the junction and geometry of the junction is suitable to serve the development proposed.
21. As part of the development proposals a number of changes/works are proposed to the local highway environment which are briefly set out below;
 - The 30mph/60 mph speed limit boundary on Brass Castle Lane will be relocated circa 45m South. This will result in the 30mph scheme and the street lighting being extended to a point South of the proposed site access.
 - A new gateway feature at the change in speed limit will be introduced, consisting of signage, lining and a welcome sign to reinforce the change in speed limit and to influence driver behaviour.

- A new footway will be provided to the sites Northern boundary on Brass Castle Lane to connect into internal footpaths which in turn connect into adjacent routes and the Grey Towers Farm development.
 - Tactile paving and crossing points across the junction with Brass Castle Lane and Brass Castle Lane itself which will enable pedestrians/cyclists to access the existing footway/cycleway on the northern side of Fulford Way/ Brass Castle Lane.
 - In order to achieve the improved pedestrian facilities one access into the Gas Governor is to be reinstated to full height kerb and landscaped to prevent vehicular access with access retained from the Western boundary.
 - Improvements will be made to the Eastbound and Westbound bus stops serving the site consisting of hardstanding, easy access kerbs, flag, shelters and realtime display.
22. In addition to the above physical works being delivered a financial contribution towards strategic highways infrastructure is to be made and secured through a S106 Agreement.
23. The internal layout has been designed to adoptable standards and will be constructed and offered for adoption through agreement under the Highways Act 1980. Internal roads have a hierarchy and are laid out to restrain vehicle speeds to a maximum of 20 mph. Car parking has been provided in accordance with the Tees Valley Design Guide and in curtilage parking has been supplemented with areas of managed visitor/casual caller parking.
24. The site development includes the provision of public rights of way to be provided through the woodland to the southwest and in the northeast of the site which will connect to the woodland and PROWs to be provided in the adjacent Grey Towers site.
25. The site is located immediately adjacent to existing housing estates in a sustainable location with the potential for travel by non-car modes maximised. Works proposed as part of the development will provide further facilities and ensure that the development integrates into the wider pedestrian/cycle network.
26. The development is considered to meet the requirements of relevant policies including DC1, CS4, CS17 and CS19.
27. A number of comments received relate to the Brass Castle Lane/Dixons Bank junction. The authority is developing proposals to include the Brass Castle Lane arm within the existing signalised junction of Guisborough Road/Dixons Bank, which will create a four arm signal controlled junction.
28. This design will be likely to include pedestrian facilities on all arms to assist and promote sustainable travel. At this stage capital funding is available to undertake detailed design work, which is currently underway.
29. Should the Ford Close scheme be granted planning consent then it is likely that some of the Strategic Highways Contribution being secured through the S106 Agreement would be used to accelerate the delivery of this highways scheme.

Flood Risk

30. A Flood Risk Assessment has been submitted in support of the application. The site is within National Flood Zone 1 which is classified as having a low probability of flooding, less than 1 in 1000 annual probability of river or sea flooding (<0.1%),

residential dwellings are therefore an appropriate form of development in line with the NPPF technical guidance table 3.

31. The proposed sustainable drainage scheme is incorporated into the landscape to provide a high quality green environment which features including a detention basin, and will mitigate against flooding at the site.
32. Surface water from the development will feed into Marton West Beck which is currently the subject of a scheme of improvement works. It is considered necessary to seek a s106 contribution towards these works to the beck.
33. The Local Flood Authority and Northumbrian Water have considered the submitted flood risk assessment and drainage details and have no objections subject to relevant conditions. The development is considered to be in accordance with the requirements of Policies DC1 and CS4.

Environmental Health

34. Environmental Health have considered the application in relation to noise from the highway, air quality and site contamination. The site is not situated within or close to an air quality management area. The Transport assessment demonstrates that the two-way vehicle trips generated by the development is not expected or anticipated to significantly increase air pollution emissions.
35. Environmental Health have confirmed that they have no objections to the development subject to a condition to ensure the development is carried out in accordance with the noise assessment and site investigations.

Amenity

36. Only one existing dwelling is immediately affect by the application, all other dwellings are separated by woodland, hedgerows and roads. The separation distances with existing residential dwelling and those to be constructed at the adjacent Grey Towers site meet or exceed the 21m (front to front) 14m (front to side) advised in the Urban Design SPD. As a result the proposed development will not have a detrimental impact on the privacy of existing residents or approved dwellings and will not have any impact on light or result in overshadowing.
37. Internally within the development there are areas where the separation distances fall short of the 21m/14m guidance. During the application process the layout has sought to maximise the separation distances where possible through the orientation of dwellings within their plots and the housetypes proposed. It is considered that the shortfall in separation distances is minimal and assists in providing a good quality layout and focal points within the streetscene enhancing the overall urban design of the site therefore, on a minimal basis is considered to be a positive element of the development.
38. The proposed dwellings either meet, or in the majority of cases exceed the government's space standards for new dwellings offering good amenity for the residents which is considered to contribute towards a high quality scheme.
39. It is considered that the development will not have a detrimental impact on the amenity of any existing residents, and the layout will ensure that new residents have adequate levels of amenities. The development is considered to be in accordance with the requirements of Policy DC1 and CS5.

Design

40. The site is located adjacent to the ongoing Grey Towers development and to the southeast of dwellings at Bonny Grove. The scheme has a density of approximately 18 dwellings per hectare which is in keeping with the densities of the surrounding housing estates.
41. The development has been designed taking cues and characteristics from the surrounding areas in relation to design details and the use of varying boundary treatments, landscaping and the fenestration, finishing materials and roof types of the proposed dwellings. The quality of the materials will be controlled by a condition of the application.
42. The proposed housetypes are of a good size in accordance with or exceeding government space standards. 11 House types are proposed offering a mix of 2, 3, 4 and 5 bedrooms including bungalows and two-storey dwellings. The bungalows are placed in a number of locations throughout the site resulting in varying roof heights enhancing the visual appearance of the area. The proposed housetypes incorporate various design details including gable features, soffits, decorative porches, stepped elevations, windows set in the eaves and bay windows. The quality of the designs has been retained with all the housetypes including the affordable bungalows. The design details and finishing materials result in a high quality appearance of the dwellings and enhance the quality of the streetscene. Statement dwellings and corner turners have been located at prominent positions throughout the site to further enhance the streetscene and the quality of the development providing focal points. Where possible dwellings are fronted onto open spaces providing attractive views over landscaped settings.
43. The existing mast located on the site is a constraint. In this locations dwellings have been orientated so that the mast does not dominate views from the properties. Higher boundary treatments constructed from brick with timber inserts in this location assist with ensure the amenity of new residents is not compromised and also add an attractive element to the streetscene.
44. The NPPF requires local authorities to deliver a wide choice of high quality homes to significantly boost the supply of housing. The proposed dwellings offer a mix of high quality styles and sizes with varying garden sizes. The dwellings are considered to be in accordance with these requirements of the NPPF.
45. The removal of permitted development rights will enable the Local Planning Authority to further control alterations and extensions to the dwellings following their completion. This ensures that the high quality designs of the dwellings, and their relationship with their neighbours and landscaped areas are retained. For this reason it is considered that permitted development rights should also be removed for this development.
46. The proposed dwellings are considered to be high quality design in accordance with the requirements of Policies DC1, CS4 and CS5.

Streetscene

47. When considering an application of this scale it is necessary to consider the impact of the development on the character of the area which should be maintained and enhanced. It is recognised that this area of the town provides a high quality residential environment with a mix of dwelling types and countryside. Whilst overall the character of the area will change with housing erected on this site, the existing and proposed trees, hedges and landscape works, together with the internal layout,

road hierarchy, design and orientation of the dwellings, will contribute towards a high quality streetscene which mitigates the visual impact of the development on its surroundings helping to assimilate the scheme into the wider residential area.

48. The site includes an area of woodland which is to be retained. An area of open space including a detention basin is located at the entrance to the site as part of the sustainable drainage scheme. The woodland and landscaped areas are of a significant benefit to the community providing leisure opportunities through walkways connecting the open areas and landscaped spaces, and enhancing the visual appearance of the area. In addition art/play equipment will be installed to enhance the leisure experience available to residents and to increase the visual appearance of the area.
49. The layout responds to existing natural features and the dwellings have been orientated to provide a maximum benefit from views over the open spaces and landscaped areas, with existing and new rights of way, cycle paths and bridleways penetrating the site connecting the properties to the landscaped and wooded areas and the wider right of way network. Statement dwellings have been located at prominent positions throughout the site to further enhance the streetscene and quality of the development.
50. The layout incorporates secured by design principles with properties facing onto open areas and walkways providing high levels of natural surveillance. Future residents will also benefit from the open aspects. Where properties are not facing the mast and the woodland higher boundary treatments of appropriate designs provide enhanced security for the future residents.
51. It is considered that the development will not have a significantly adverse impact on the character and appearance of the area and will result in an attractive green streetscene to the benefit of existing and future residents. The development is in accordance with the requirements of Policies CS4 and CS5.

Ecology/Landscaping

52. The site comprises buildings, woodland and grassland with hedgerows around the boundaries of the site and within it. Where possible the development retains existing trees including the woodland located to the southeast boundary. The hedgerow within the site will have a section removed to provide access through it however the majority of it is retained. The development proposes a landscaping scheme including the planting of new hedges and trees and the inclusion of wildflower planting at the detention basin and woodland edge.
53. Ecological Impact Assessments have been submitted as part of the application documents. The assessments targeted specific species and habitats relevant to the application site and development proposals. The investigations found no evidence of badger, reptiles, water vole and otters and no issues in relation to the habitats on the site. However, further investigations are required in relation to bats and great crested newts. These elements will be controlled by condition.
54. The majority of the application site is grassland with limited potential for wildlife. The existing woodlands and hedge rows are to be retained and enhanced with additional landscaping in the residential gardens and open spaces. The addition of the detention basin as part of the sustainable drainage scheme and grassland areas will enhance the visual appearance of the streetscene and will increase the ecological habitat on the site.

55. It is considered that although the development will result in the loss of open field the creation of landscaped and suds features proposed and effective woodland management will offer enhanced ecological potential and have a positive impact in accordance with the requirements of Local Plan Policy CS4.

Other matters

56. The development has been considered in relation to the potential archaeology at the site. It is considered that any impacts on potential archaeology can be controlled by a suitably worded condition and watching brief.

57. Development has recently been refused and upheld by the planning inspectorate for development at the golf club. This differs from the application site as it is not an allocated site with the local plan and is outside the limits of development. As a result the two developments are not comparable.

58. While upgrading of the Marton BT exchange cabinet would be beneficial it does not fall on the developer of this site to carry this out. They are required to enter into discussion with internet providers to provide infrastructure for the application site. These discussions are separate to the planning process.

59. It is noted that comments have been received with regards to the lack of community facilities. Whilst a lack of doctors places in the local area is not a material planning consideration it is noted that part of the Nunthorpe Grange site located close to this application site includes an area for the construction of a new doctors surgery and a separate application is currently being considered in relation to this.

60. The Council are also in discussions with the wider community regarding the provision of community facilities in the area using money secured through s106 contributions from surrounding housing developments in the Nunthorpe Ward.

61. Permission has also been given on the wider Grey Towers site for a restaurant/pub which has been implemented on site. Recent plans have been approved for minor changes to the floor plans and external appearance. However, the Planning Authority has no ability to force a developer to build the restaurant/pub.

62. As part of the s106 agreement contributions are being sought towards Bonny Grove Park, Sudbury Pond and Fairy Dell in accordance with the requirements of the Marton West Neighbourhood Plan.

63. Whilst policy H30 requires a contribution to educational needs and comments have been made relating to the lack of school provision, the Council's education team have confirmed that they do not require a contribution from this development.

Conclusion

64. Whilst the proposal is in excess of the allocation identified in policy H30, the scheme as presented provides one of a high design quality in terms of the layout, built form and landscaping, that will deliver a significant number and proportion of bungalows. These matters are felt sufficient, in accordance with the provisions of policy H1, to override the maximum allowance prescribed in policy H30.

65. The increase number of dwellings raises no additional issues with regards to impacts upon transport or other infrastructure which are not being addressed through this or other developments. Given this, the S106 contributions being delivered through the development, and that the proposal is considered to be in accordance with the provisions of the Marton West Neighbourhood Plan as expressed by policy MW4 it is

recommended that the application be approved subject to the signing of the S106 Agreement and the conditions specified below.

RECOMMENDATIONS AND CONDITIONS

Approve subject to s106 Agreement

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) Location Plan, drawing PA-BC-01, rev. A;
- b) Proposed Site Layout, drawing no. PA-BC-02 rev. I;
- c) Housetype Planning Drawings, reference no. PA-BC-HT-01 rev. D;
- d) Brick Wall, Pier and Panel Detail (2200mm), drawing no. SBH-SD-BT-015;
- e) Brick Wall, Pier and Panel Detail (2000mm), drawing no. SBH-SD-BT-014;
- f) Timber Feather Edge Boarded (2200mm), drawing no. SBH-SD-BT-011;
- g) Timber Feather Edge Boarded (2000mm), drawing no. SBH-SD-BT-010;
- h) Timber Feather Edge Boarded (1800mm), drawing no. SBH-SD-BT-009;
- i) Timber Lap Fence and Trellis Detail (1500mm), drawing no. SBH-SD-BT-005;
- j) Boundary/Change in Level Between Dwellings Detail 300mm - 600mm, drawing no. 00x/SD-22 rev.A;
- k) Typical Brick Single Garage (Side Gable), Plan and Elevations, drawing no. GD-01;
- l) Landscape Masterplan, drawing no. R/2340/1D;
- m) Arboricultural Impact Assessment, reference no. 15680c/EW-Rev1;
- n) Proposed Highway Works, drawing no. AMA/20617/SK007;
- o) External works Plan - Sheet 1 of 2, drawing no. 040-EW-001 rev. D;
- p) External works Plan - Sheet 2 of 2, drawing no. 040-EW-002 rev. D;
- q) Flood Routing Plan, drawing no. 040-500-007 rev. D;
- r) Impermeable Area Plan, drawing no. 040-500-006 rev. D;
- s) Headwall S19 Construction Details, drawing no. 040-500-005;
- t) Flow Control MH S17 Construction Details, drawing no. 040-500-004 rev. B;
- u) Longitudinal Sections - Sheet 1 of 4, drawing no. 040-100-002 rev. C;
- v) Longitudinal Sections - Sheet 2 of 4, drawing no. 040-100-003 rev. C;
- w) Longitudinal Sections - Sheet 3 of 4, drawing no. 040-100-004 rev. C;
- x) Longitudinal Sections - Sheet 4 of 4, drawing no. 040-100-005 rev. C;
- y) Storm Sewer Design, dated 24.07.2020;
- z) Summary Wizard of 15 Minute 30 Year Winter, dated 24.07.2020;
- aa) Summary Wizard of 15 Minute 1 Year Winter, dated 24.07.2020;
- bb) Summary Wizard of 15 Minute 100 Year Winter, dated 24.07.2020;
- cc) S104 Manhole Schedule, drawing no. 040-500-002 rev. D;
- dd) S104 Agreement Plan, drawing no. 040-500-001 rev. E;
- ee) Flood Risk Assessment and Surface Water Management Strategy, reference no. 5076/FRA01(A) dated March 2020;
- ff) Noise Impact Assessment, reference no. 8028.1 rev. A;
- gg) Transport Assessment, reference no. 20621-001;

- hh) Extended Phase 1 Habitat Survey and Preliminary Ecological Appraisal, dated December 2019;
- ii) Archaeological Desk Based Assessment, reference no. SBH07-01; and,
- jj) Geophysical Survey Report, reference no. MSNZ684, dated July 2020.

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

3. Materials - Samples

Prior to the construction of the external elevations of the building(s) hereby approved samples of the external finishing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

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.

4. Retaining Walls

Prior to the commencement of construction above ground level, or in accordance with a program of works to be agreed with the Local Planning Authority. Full details of all retaining walls must be submitted to and approved in writing by the Local Planning Authority. 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 visual amenities of the area having regard for policies DC1, CS4 and CS5 of the Local Plan and section 12 of the NPPF.

5. Waste Audit Required

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

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

Reason: In the interests of minimising, reusing and recycling waste during demolition and construction in line with the principles of waste management detailed in the approved Tees Valley Joint Minerals and Waste Development Plan Document.

6. 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.

7. 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.

8. 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.

9. 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.

10. Landscape Management Plan
A Landscape Management Plan(s) covering relevant phase(s) of development, including long term objectives, management responsibilities and maintenance schedules in perpetuity for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the first occupation/use of a building, or within 12 months of commencement of works on the relevant phase(s) of the development to which it relates, whichever is the sooner. Thereafter the Landscape Management Plan must be implemented on site.

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.

11. 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.

12. 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.

13. 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.

14. Recreation

Full details and specifications of the art/play/leisure/fitness area for each phase of the development (including planting, fencing, safety surfacing, equipment, seats, litter bins, lighting and a management and maintenance scheme) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the substantial completion of the relevant phase or before the occupation of the 40th dwelling within that phase, whichever is the sooner. The approved art/play/leisure/fitness area shall be so retained 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.

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

No dwelling to which this planning permission relates shall be occupied unless or until the carriageway 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.

16. Details of Roads, Footpaths and Open Spaces Required

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

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.

17. Car and Cycle Parking Laid Out

No part of the development hereby approved shall be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) 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. Traffic Regulation Order

Prior to the commencement of development hereby approved the details of necessary Traffic Regulation Orders to extend the 30mph limit on Brass Castle Lane must have been agreed in writing with the Local Planning Authority. The development hereby approved must not be occupied until the process to implement the agreed Traffic Regulation Orders has been initiated.

Reason: The development is in a location that is easily accessible by public transport, near a range of amenities including shops and leisure facilities, and/or within a controlled parking zone having regard for policy CS4 of the Local Plan and section 9 of the NPPF.

19. 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.

20. New Public Rights of Way (Footpaths and Bridleways)

Within 4 months of commencement of the development hereby approved, a Public Rights of Way Dedication plan(s) to a scale of 1:200 showing the following information must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development must be carried out in full accordance with the approved details

- Phasing Plan
- Signing and furniture i.e Stiles and Gates
- Structures i.e Bridges and Boardwalks
- Construction Details
- Maintenance Plan

Prior to the first occupation/use of the dwellings/buildings hereby approved, a Dedication Agreement for all new Public Rights of Way shall be completed.

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.

21. 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 Surface Water Management Strategy, report no. 5076/FRA01 (A) dated March 2020 and the development shall be completed in accordance with the approved scheme.

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.

22. 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:

- a. A build program and timetable for the provision of the critical surface water drainage infrastructure.
- b. Details of any control structure(s) and surface water storage structures
- c. Details of how surface water runoff from the site will be managed during the construction Phase
- d. 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.

23. 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;

- a. 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.
- b. 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.

24. Drainage Scheme - Foul Flows

Development shall be implemented in line with the drainage scheme contained within the submitted document entitled S104 Agreement Plan, drawing no. 040-500-001 rev. E. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 7106 and ensure that surface water discharges to the existing watercourse.

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

25. Contaminated Land Site Investigation

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

Validation of the remediated site shall be provided in the form of a detailed completion statement confirming that works set out and agreed were completed and that the site is suitable for its intended use.

Reason: To ensure the appropriate decontamination of the site in the interests of safety, local amenity and the amenities of the occupiers of the site having regard for policies DC1, CS5 and section 12 of the NPPF.

26. Archaeology WSI
No development shall take place until a written scheme of investigation (WSI) for an archaeological watching brief has been agreed with the Local Planning Authority in respect of works or ground disturbance below a depth of 300mm in the western half of Area 5 of the submitted geophysical survey (MS report MSNZ684). The development shall only be carried out in accordance with the WSI as approved by the Local Planning Authority.

Reason: The relevant part of the application site contains features of archaeological interest.

27. Ecology
The surveys detailed below, as set out in the approved Extended Phase 1 Habitat Survey and Preliminary Ecological Appraisal, dated December 2019, must be undertaken on site and the findings submitted to and approved in writing by the Local Planning Authority.
- a) Bat Activity Survey;
 - b) 3 Bat Activity Transect Surveys; and,
 - c) Great crested newt assessment.

Thereafter any further works or mitigation identified as being required shall be carried out on site and the mitigation measures shall be retained on site in perpetuity

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.

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 reasonably high quality design and would provide a pleasant and sustainable environment offering a good mix of dwelling types. Landscaped areas will enhance ecological potential and will benefit the wider community. There are no statutory objections to the proposal in terms of the sustainability of the site or the ability to meet necessary flood, ecology, highways and noise mitigation.

The application site is an allocated site within the approved Housing Local Plan. Although the additional dwellings conflict with some elements of Policy H30 it meets the other requirements of this policy and the justification for increased numbers as set out in policy H1 and other relevant local and national policies. On balance the conflict with policy H30 does not outweigh the social, economic and environmental sustainable benefits of the development.

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.

INFORMATIVES

Discharge of Condition Fee

Under the Town & Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2018, the Council must charge a fee for the discharge of conditions. Information relating to current fees is available on the Planning Portal website <https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>. Please be aware that where there is more than one condition multiple fees will be required if you apply to discharge them separately.

Civil Ownership Matters

This permission refers only to that required under the Town and Country Planning Act 1990 (as amended) and does not include any other consent or approval under any enactments, byelaw, order or regulation. The grant of planning permission does not override any third party rights which may exist over the application site.

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

Rights of Access/Encroachment

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

Building Regulations

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

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

Name and Numbering

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

Statutory Undertakers

The applicant is reminded that they are responsible for contacting the Statutory Undertakers in respect of both the new service to their development and the requirements of the undertakers in respect of their existing apparatus and any protection/ diversion work that may be required.

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 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.

The permission hereby granted should not be construed as authority to place signage, skips, scaffolding, hoarding or building materials within the public highway nor allow cranes/structures to oversail the public highway. Highways consent and the appropriate licence(s) are required prior to these activities.

Further information can be found at;

<https://www.middlesbrough.gov.uk/parking-roads-and-footpaths/roads-and-highways/highway-licences>

or contact the Highway Authority (tel: 01642 728153).

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.

Discharge into Watercourse/Culvert

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

Sustainable Drainage Systems

Sustainable Drainage Systems (SuDS) should be considered when designing drainage, driveways and car parking areas.

Permeable Surfacing

Guidance on permeable surfacing of front gardens is available on the Communities and Local Government Website: www.communities.gov.uk

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.

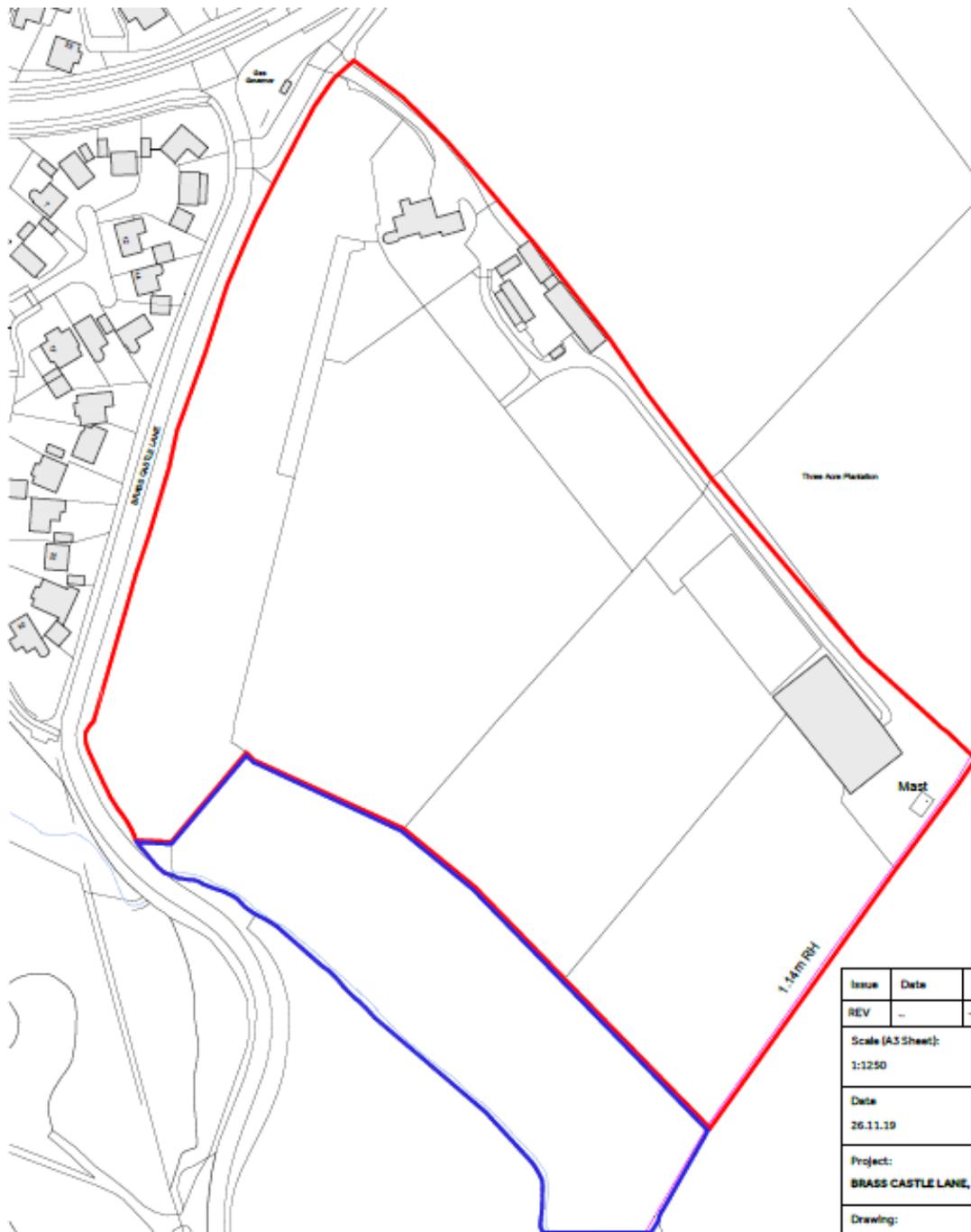
Construction Noise

The applicant should be aware that noise from construction work and deliveries to the site may have an impact upon local residential premises. The applicant may if they wish to apply for a prior consent under the Control of Pollution Act 1974 Section 61 with regard to working hours at the site. The applicant can contact the authorities Environmental Protection service for more details regarding the prior consent process. The hours that are recommended in the Control of Pollution Act for noisy working are 8am-6pm Mon-Fri, 8am-1pm Saturday and no working Sundays and Bank holidays.

Case Officer: Shelly Pearman

Committee Date: 4th December 2020

Location Plan



Issue	Date	Detail
REV	-	-
Scale (A3 Sheet): 1:1250		Drawn By: BH
Date	Drawing Number:	
26.11.19	PA-BC-01	
Project: BRASS CASTLE LANE, MARTON, TS8 9QZ		
Drawing: LOCATION PLAN		
 STONEBRIDGE		
FEATHERBANK COURT, HORSFORTH, LEEDS, LS18 4GF 0113 357 1100 WWW.STONEBRIDGEHOMES.CO.UK		
The Design & Data indicated on this drawing is the property of Stonebridge Homes Ltd and shall not be copied under any circumstances		

BRASS CASTLE LANE, MARTON, TS8 9QZ



**PLANNING & DEVELOPMENT COMMITTEE
APPLICATIONS DETERMINED UNDER DELEGATED POWERS**

To inform Members of those applications which have been determined under the officer delegation scheme since your last meeting.

REFERENCE	PROPOSAL/LOCATION	DECISION
<p>M/DIS/0285/15/P</p> <p>Acklam</p>	<p>Discharge of conditions 4,5,6,7,8 and 9 of previously approved M/FP/0285/15/P</p> <p>Acklam Hall , Hall Drive , Acklam , Middlesbrough , TS5 7DZ</p>	<p>Full Discharge Conditions</p>
<p>20/0034/FUL</p> <p>Central</p>	<p>Erection of part 10-storey, part 3-storey building for student accommodation use (sui generis) comprising 95 no. beds, with ground floor bar (A4) use</p> <p>The Springfield , 113 Borough Road , Middlesbrough , TS1 3AX</p>	<p>Approve with Conditions</p>
<p>20/0094/VAR</p> <p>Central</p>	<p>Variation of condition 2 (Approved Plans) for minor alterations to internal layout and external elevations and condition 8 (Boundary wall) on application 19/0504/COU.</p> <p>178 - 184 Borough Road , Middlesbrough , TS1 2EH</p>	<p>Approve with Conditions</p>
<p>20/0198/FUL</p> <p>Central</p>	<p>Residential development (C3) comprising 45no. apartments and 16no. town houses (total 61no. units) with associated parking and landscaping</p> <p>Land At Lower East Street, Commercial Street And Durham Street , St Hilda's , Middlesbrough</p>	<p>Approve with Conditions</p>

20/0255/VAR Central	Variation of condition no 2 (Approved Plans & Documents) on planning application 18/0122/FUL Riverside Park Road , Middlesbrough ,	Approve with Conditions
20/0265/FUL Longlands/Beechwood	Retrospective application for a single storey extension to front 75 Eden Road , Middlesbrough , TS4 2SD	Refuse and enforce
20/0346/FUL Acklam	First floor extension to side 53 Glendale Road , Middlesbrough , TS5 7QE	Approve with Conditions
20/0400/FUL Trimdon	Single storey extension to side and rear 59 Runswick Avenue , Middlesbrough , TS5 8HY	Approve with Conditions
20/0445/DIS Central	Discharge of condition 7 (Foul and Surface Water NWL) on planning application 20/0113/FUL 63 North Ormesby Road , Middlesbrough , TS4 2AF	Part Discharge Conditions
20/0454/PNO Central	Temporary siting of marquee Middlesbrough College , Dock Street , Middlesbrough , TS2 1AD	Prior Notification Not Required/No Obj
20/0461/FUL Kader	Two storey extension to side and single storey extension to rear 5 Chilton Close , Middlesbrough , TS5 8LT	Approve with Conditions

20/0472/FUL Linthorpe	Single storey extension to side and rear 20 Patey Court , Middlesbrough , TS5 5DJ	Approve with Conditions
20/0479/FUL Nunthorpe	Single storey extension to rear and conversion of part of garage to habitable room 8 Wildon Grange , Middlesbrough , TS7 0RJ	Approve with Conditions
20/0483/FUL Stainton And Thornton	Single storey extension to the rear 9 Church Close , Middlesbrough , TS8 9AF	Approve with Conditions
20/0490/FUL Trimdon	Two storey extension to side, single storey extension to front and single storey extension to rear (Demolition of existing garage) 62 Baldoon Sands , Middlesbrough , TS5 8UF	Approve with Conditions
20/0499/FUL Nunthorpe	Car port to side 8 Church Lane , Nunthorpe , Middlesbrough , TS7 0PD	Approve with Conditions
20/0504/COU Central	Retrospective change of use from B1 (Light Industrial) to B2 (General Industrial) Unit 3 , Washington Street , Middlesbrough , TS2 1DW	Approve with Conditions
20/0506/FUL Stainton And Thornton	Single storey extension to rear (demolition of existing conservatory) 24 St Austell Close , Middlesbrough , TS8 9NQ	Approve with Conditions

20/0512/FUL Nunthorpe	Garage conversion, single storey front and rear extensions and pitch roof to side porch and existing side extension. 3 Kent Close , Middlesbrough , TS7 0BT	Approve with Conditions
20/0515/FUL Hemlington	Single storey extension to front 6 Brampton Close , Middlesbrough , TS8 9HD	Refused
20/0519/FUL Nunthorpe	Single storey extension to front and new pitched roof over existing front offshoot 1 Harter Close , Middlesbrough , TS7 0QR	Approve with Conditions
20/0520/FUL Berwick Hills/Pallister	Demolition of chimney stack 28 Malling Walk , Middlesbrough , TS3 8QH	Approve with Conditions
20/0536/VAR Brambles/Thorntree	Variation of condition 3 (Materials) on application 17/0762/FUL for the replacement of brickwork with render 142 Roworth Road , Middlesbrough , TS3 9PJ	Approve with Conditions
20/0529/FUL Central	Conservatory for use as visiting area Roseleigh Care Home , Lytton Street , Middlesbrough , TS4 2BZ	Approve with Conditions
20/0530/FUL Longlands/Beechwood	Single storey extension to rear 35 Longlands Road , Middlesbrough , TS4 2JS	Approve with Conditions

20/0532/FUL Kader	Dormer extensions to front and rear 34 Carmel Gardens , Middlesbrough , TS5 8DX	Refused
20/0541/FUL Central	Single storey infill extension to rear 150 Victoria Road , Middlesbrough , TS1 3HU	Approve with Conditions
20/0542/FUL Kader	Retrospective application for single storey extension to rear 33 Mainsforth Drive , Middlesbrough , TS5 8JZ	Approve with Conditions
20/0547/ADV	1no totem sign, 2no visitor parking signs, 1no health and safety information sign, 5no advertisement flags, 3no house type signs, 1no non-illuminated fascia sign and 4no leader boards Brookfield Woods Phase 2 , Land At Stainsby Hall Farm , Middlesbrough	Approve with Conditions
20/0550/TELPN Ayresome	Prior notification for the erection of 20m high telecom mast with associated equipment Weatherhead Avenue , Middlesbrough , TS5 4JY	Prior Notification Not Required/No Obj
20/0551/FUL Trimdon	Single storey extension to front with attached garage to side and single storey extension to rear (demolition of existing detached garage) 114 Hesleden Avenue , Middlesbrough , TS5 8RS	Approve with Conditions

20/0553/TPO Coulby Newham	Thinning and reduction of 2no Oak trees in rear garden 17 Chervil , Middlesbrough , TS8 0GB	Approve
20/0554/FUL Park	Replacement front entrance door and frame 24 Limes Road , Middlesbrough , TS5 6RQ	Approve with Conditions
20/0555/FUL Park	Replacement front entrance door and frame 12 Limes Road , Middlesbrough , TS5 6RQ	Approve with Conditions
20/0559/FUL Linthorpe	Replacement shared drive to front 16 Reeth Road , Middlesbrough , TS5 5HJ	Approve with Conditions
20/0561/PNH Longlands/Beechwood	Single storey extension at rear 12 Ainderby Way , Middlesbrough , TS4 3BY	Prior Notification Not Required/No Obj
20/0562/FUL Marton West	Timber summerhouse in rear garden 21 Rosemoor Close , Middlesbrough , TS7 8LQ	Approve with Conditions
20/0567/FUL Nunthorpe	Single storey extension to side and rear and front bay window 44 High Gill Road , Middlesbrough , TS7 0EA	Approve with Conditions
20/0569/FUL Park	Replacement windows to side elevation 13 Phillips Avenue , Middlesbrough , TS5 5PS	Approve with Conditions

20/0571/FUL Acklam	Erection of detached garage 311 Acklam Road , Middlesbrough , TS5 7EL	Approve with Conditions
20/0572/FUL Park	Re-roofing of dwelling 20 Claude Avenue , Middlesbrough , TS5 5PT	Approve with Conditions
20/0576/FUL Nunthorpe	Single storey extensions to rear and two storey/part first floor extension to side 9 Nunthorpe Gardens , Middlesbrough , TS7 0GA	Approve with Conditions
20/0577/DIS Central	Discharge of condition no 8 (Boundary Treatment) on planning application 19/0203/FUL Land Off Sussex Street And Gosford Street , Middlesbrough ,	Full Discharge Conditions
20/0580/COU Central	Retrospective change of use from offices to use for educational purposes Kings Building , 93 Borough Road , Middlesbrough , TS1 3AA	Approve with Conditions
20/0581/ADV Central	Installation of 3no non-illuminated fascia signs Kings Building , 93 Borough Road , Middlesbrough , TS1 3AA	Approve with Conditions
20/0584/FUL Nunthorpe	Detached sunroom for visitor use Nunthorpe Hall , Old Stokesley Road , Middlesbrough , TS7 0NP	Approve with Conditions

20/0585/LBC Nunthorpe	Detached sunroom for visitor use Nunthorpe Hall , Old Stokesley Road , Middlesbrough , TS7 ONP	Approve with Conditions
20/0587/FUL Coulby Newham	Single storey extension to rear 17 Woodrush , Middlesbrough , TS8 0XB	Approve with Conditions
20/0593/FUL Trimdon	Retrospective external alterations to conservatory including new flat roof design with glazed lantern above 49 Sedgefield Road , Middlesbrough , TS5 8JN	Approve with Conditions
20/0600/ADV North Ormesby	1no internally illuminated fascia sign, 1no internally illuminated double sided projecting sign and vinyl lettering to glazing 34 - 38 King's Road , Middlesbrough , TS3 6NF	Approve with Conditions
20/0603/FUL Acklam	Single storey extension to rear to replace existing conservatory 38 Glenfield Drive , Middlesbrough , TS5 7PX	Approve with Conditions
20/0606/AMD Stainton And Thornton	Non material amendment to planning application 19/0092/FUL to reduce overall height 43 Cedar Drive , Middlesbrough , TS8 9BY	Approve with Conditions
20/0613/FUL Ladgate	Single storey extension at rear (Demolition of existing sun room) 545 Marton Road , Middlesbrough , TS4 3SB	Approve with Conditions

20/0618/PNH Central	Single storey extension at rear 10 Talbot Street , Middlesbrough , TS1 3EP	Prior Notification Not Required/No Obj
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20/0620/PNO Newport	Demolition of properties 29-35 Warren Street, 29-33, 34-38 Emerald Street, 18-22 Ruby Street, 3-7 Borough Road, 12-20 Diamond Road, 24-28 Amber Street And 38-40 Garnet Street , Middlesbrough , TS1 4EZ	Prior Notification Not Required/No Obj
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20/0625/AMD Park	Non-material amendment to planning application 17/0854/FUL to alter window openings 46 Eastbourne Road , Middlesbrough , TS5 6QW	Approve
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20/0634/FUL Stainton And Thornton	Installation of window to side 29 Hemlington Road , Middlesbrough , TS8 9AG	Approve with Conditions
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Appeal Decision

Site visit made on 20 July 2020

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2020

Appeal Ref: APP/W0734/D/20/3251084

42 Cinderwood, Middlesbrough TS3 9RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs P Jaffray against the decision of Middlesbrough Borough Council.
 - The application Ref 20/0116/FUL, dated 25 February 2020, was refused by notice dated 8 April 2020.
 - The development proposed is described as "proposed single storey infill extension."
-

Decision

1. The appeal is allowed and planning permission is granted for proposed single storey infill extension at 42 Cinderwood, Middlesbrough TS3 9RH, in accordance with the terms of the application, Ref 20/0116/FUL, dated 25 February 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: block/site plan; site location plan; proposed plans and elevations; existing plans and elevations.
 - 3) Notwithstanding details indicated on the approved plans, the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the surrounding area and (ii) highway safety with regards to parking.

Reasons

Character and appearance

3. The surrounding area is characterised predominantly by residential properties of a uniformed style. The built form of the area is not traditional in style with flat roof garages and high fencing been located directly adjacent to the front elevation of the properties. It is this untraditional appearance which contributes positively to the character of the area.
4. The proposed extension, which incorporates the existing garage, would not be overly dominant due to its location and size. The extension would introduce a

flat roof extension that, whilst larger, would be in keeping with the existing flat roof garages which are visually prominent in the area. The flat roof extension would be a contrast to the pitched style roofing of the main properties however, given the proposal would be single storey, the flat roof style of the extension would be sympathetic and not be detrimental to the appearance of the appeal building and surrounding properties.

5. The Middlesbrough's Urban Design Supplementary Planning Document (SPD) states that extensions at the front of houses are generally unacceptable in principle. However, the SPD further indicates that a limited form of well-designed extension may be acceptable in certain circumstances. The proposed extension would be well-designed in terms of it being sensitive to the untraditional built form of the area.
6. I have had regard to the Council's Officer report, including comments regarding the potential for this type of extension being repeated on other properties. I do note that there is a reasonable prospect of similar development being repeated on neighbouring properties however, I do not consider the proposed extension would set an undesirable precedent. Nevertheless, my assessment is solely on the proposed development subject of this appeal and any further development would have to be assessed on their own merits.
7. I therefore find that the proposed extension would not have a harmful effect on the character and appearance of the surrounding area. The proposal would be in accordance with Policies DC1 and CS5 of the Middlesbrough Local Development Framework Core Strategy 2008 and the SPD which seeks all development proposals to contribute to the character and appearance of the area.

Highway safety

8. The proposal would result in the loss of the parking space in the form of the existing garage. The Council have indicated that two off street parking spaces are required for the appeal property. The submitted plans show two parking spaces located within the front yard area of the site. The Council are concerned that this parking arrangement is unsuitable as it would obstruct access and remove outdoor amenity space.
9. The appeal site has sufficient amenity space, including the rear garden, therefore the parking of vehicles in the front yard area would not adversely compromise the living conditions of the occupants in that respect. I also consider, given the width of the site, that there is sufficient space within the front yard area to allow for the parking of vehicles and access to the property.
10. There is an indication that parking may happen outside the site. I noted during my site visit that there were a number of vehicles parking on the surrounding streets. However, there are few parking restrictions in the area and there is likely to be opportunities for the appellant to park their vehicles on the street without creating any obstructions that would cause highways safety concerns.
11. The proposal would not create a situation where there would be a displacement of vehicles onto the highway that would result in harm to highway safety in terms of parking. The proposal would be in accordance with Policy DC1 of the Middlesbrough Local Development Framework Core Strategy 2008 which seeks development proposals to have no impact on highway safety.

Conditions

12. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty. In the interests of the character and appearance of the area, a condition is imposed to ensure the materials used in the construction of the proposed extension matches the existing building.

Conclusion

13. For the reasons set out above, I conclude that the appeal should be allowed.

Chris Baxter

INSPECTOR

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Appeal Decision

Site visit made on 20 July 2020

by **Chris Baxter BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 August 2020

Appeal Ref: **APP/W0734/D/20/3251710**

6 Malvern Drive, Middlesbrough TS5 8JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Lee Wilson against the decision of Middlesbrough Borough Council.
 - The application Ref 20/0081/FUL, dated 10 February 2020, was refused by notice dated 27 April 2020.
 - The development proposed is described as "Double storey side extension."
-

Decision

1. The appeal is allowed and planning permission is granted for double storey side extension at 6 Malvern Drive, Middlesbrough TS5 8JB, in accordance with the terms of the application, Ref 20/0081/FUL, dated 10 February 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 2020/LW3/01; 2020/LW3/02; 2020/LW3/03; 2020/LW3/04; 2020/LW3/05; and site location plan.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The surrounding area is characterised predominantly by semi-detached residential properties. A number of properties in the area have additions and the built form of the street is not uniformed.
4. The proposed extension would be set back from the front building line of the original property and have the roof set down from the existing roof line, so whilst the proposal would be built up to the boundary with 4 Malvern Drive (No 4), it would not create an adverse terracing effect.

5. The proposal extends approximately 10.6 metres along the boundary of the site, however due to its position and design including hipped style roofs, it would not appear overly dominant. The scale of the proposal would be sympathetic and in keeping with the existing extensions in the area including those on the appeal property and at No 4. The proposal would not be overdevelopment and would reflect the character of the surrounding built form.
6. I am familiar with the development scheme at No 4 that was dismissed under planning appeal ref: APP/W0734/D/18/3200232. I do not consider this scheme to be directly comparable with the proposed extension, particularly in regard to size and design. In any case I have determined this appeal on its own merits.
7. Accordingly, I find that the proposal would not have a harmful effect on the character and appearance of the surrounding area. The proposal would be in accordance with Policies DC1 and CS5 of the Middlesbrough Local Development Framework Core Strategy 2008, the Middlesbrough's Urban Design Supplementary Planning Document 2013 and the National Planning Policy Framework which seeks development proposals to secure a high standard of design and ensure integration with the immediate and wider context.
8. I have had regard to the Council's Officer Report and correspondence from local residents which includes comments on privacy, overshadowing, boundary encroachment, parking and property valuations. I have given careful consideration to all these matters when reaching my decision, but they do not lead me to a different overall conclusion on the main issue.

Conditions

9. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty. In the interests of the character and appearance of the area, a condition is imposed to ensure the materials used in the construction of the proposed extension matches the existing building.

Conclusion

10. For the reasons set out above, I conclude that the appeal should be allowed.

Chris Baxter

INSPECTOR



Appeal Decision

Site visit made on 22 September 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2020

Appeal Ref: APP/W0734/D/20/3256067

75 Southwell Road, Middlesbrough TS5 6NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Azimi against the decision of Middlesbrough Borough Council.
 - The application Ref 20/0119/FUL, dated 25 February 2020, was refused by notice dated 15 June 2020.
 - The development proposed is two storey side extension and dormer.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. There is some variation in the name of the appellant as given on the planning application and appeal forms. In the heading above I have used the name as specified on the planning application form. This also reflects the details given on the submitted plans.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the host property; and
 - Whether the proposal would make suitable provision for car parking.

Reasons

Character and Appearance

5. The appeal site is one of a pair of semi-detached houses with hipped roofs. This arrangement is repeated along Southwell Road which gives a pleasing rhythm to the streetscape and contributes to the pleasant suburban character of the area.

6. The proposed side extension would project to the boundary with the neighbouring property and would introduce a gabled roof design. Due to the scale and bulk of the extension it would appear as a disproportionate addition to the original building. When combined with the gable roof design, this would unduly unbalance the symmetrical relationship with the attached dwelling to the detriment of the character of both buildings. The set back of the upper floor, lower ridge line and window design would not mitigate the harm arising from the incongruous scale and design of the proposal.
7. The appeal site is also of increased prominence due to its location opposite the junction with Exeter Road, which enables longer distance views of the site.
8. In support of the appeal, my attention has been drawn to other properties in the wider area which have been extended with gable roofs or which incorporate this design in prominent locations. However, I do not have full details of the circumstances that led to those developments being permitted and so cannot be certain that the circumstances are the same as the appeal before me. In any event these other developments do not establish a prevailing context for the appeal proposal which I have determined on its own merits.
9. I conclude that due to its scale, design and location the proposed side extension would lead to unacceptable harm to the character and appearance of the host building and the area. The proposal would therefore be contrary to the design requirements of Policies DC1 and CS5 of the Council's Core Strategy 2008 (the Core Strategy). The proposal would also conflict with the National Planning Policy Framework (the Framework) with regards to achieving well-designed places. The proposal would also be contrary to the advice of Middlesbrough's Urban Design Supplementary Planning Document 2013 (SPD) with regards to the basic principles which should be applied to extensions.

Parking

10. A driveway and garage to the side and rear of the dwelling provide the current on-site parking provision. It is proposed to retain this arrangement through the introduction of a covered parking bay within the side extension.
11. The Council submits that this bay would not meet its minimum 3x6m standard which would enable car users to park and open doors when a space is enclosed by walls at either side. However, whilst the parking bay may be less than 3m wide at certain points due to structural elements of the proposal, a substantial extent of the internal side wall is set back to increase the available width. It has not been demonstrated that the extents of reduced width would prevent vehicles from accessing the parking space. There is also no substantive evidence that the set back of the side wall would be inadequate to enable the opening of car doors.
12. On the basis of the evidence before me, I conclude that the proposal would provide suitable parking provision. The proposal would therefore not conflict with the highway, transportation and access requirements of Policies DC1 and CS5 of the Core Strategy. The proposal would also not be contrary to the Framework in respect of parking considerations.

Other Matter

13. I am mindful that the appellant wishes to provide additional space for his family. However, this private benefit would not outweigh the significant harm that I have identified.

Conclusion

14. Notwithstanding my conclusions in respect of parking, the proposal would lead to significant harm to the character and appearance of the host property. The proposal would therefore conflict with the development plan and the Framework when read as a whole with regards to achieving well-designed places.

15. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR

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Appeal Decision

Site Visit made on 19 October 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2020

Appeal Ref: APP/W0734/W/20/3255427

4 The Crescent, Linthorpe, Middlesbrough TS5 6SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr S Akbar against the decision of Middlesbrough Council.
 - The application Ref 20/0061/FUL, dated 31 January 2020, was approved on 26 May 2020 and planning permission was granted subject to conditions.
 - The development permitted is single storey extension to side to provide residential annex (demolition of existing single storey extension to side).
 - The condition in dispute is No 4 which states that: Windows/doors - The materials of the windows and doors incorporated within the extension hereby approved shall be timber only.
 - The reason given for the condition is: To ensure the use of satisfactory materials to retain the character and appearance of the Conservation Area in accordance with paragraph 192, 194 and 196 of the NPPF and policies CS4 and CS5 of the Core Strategy.
-

Decision

1. The appeal is allowed and planning permission Ref 20/0061/FUL for single storey extension to side to provide residential annex (demolition of existing single storey extension to side) at 4 The Crescent, Linthorpe, Middlesbrough TS5 6SE granted on 26 May 2020 by Middlesbrough Council, is varied, by deleting condition No 4 and substituting for it the following condition:
 - 4) Windows/doors - The above ground development hereby approved shall not be commenced on site until a scheme of window and door details has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall specify;
 - a) the design of the windows and doors,
 - b) the materials (such as uPVC),
 - c) the colour & finish,
 - d) the section sizes,
 - e) opening styles and mechanisms; and
 - f) the amount by which the window or door is recessed within the building's elevation.

The development hereby approved shall remain in accordance with the agreed scheme of windows and doors in perpetuity.

Background and Main Issue

2. The appeal site is located within the Linthorpe Conservation Area. Planning permission for a side extension to the dwelling included a condition requiring that windows and doors within the extension shall be timber only. The appellant has objected to this condition as he wishes to use uPVC for the windows and doors subject to agreeing an appropriate design. The proposed condition related solely to the use of materials, and did not include controls relating to matters including design.
3. Taking this background into account, the main issue is whether the condition is reasonable or necessary in the interests of the character or appearance of the Conservation Area.

Reasons

4. The appeal site is within the Linthorpe Conservation Area, which derives its significance as a designated heritage asset from its village origins which have grown into high quality late nineteenth and early twentieth century suburbs. The appeal site is a substantial building in a large plot and is a good example of historical suburban development and as such makes a positive contribution to the Conservation Area. This contribution is enhanced further due to the prominence of the building.
5. However, the character of the extant building has been compromised due to an unsympathetic extension to the side as well as the replacement of a number of windows with unsuitable modern designs, including the use of uPVC frames.
6. The proposed extension would be of a design which complements the existing building, and due to the removal of the existing unsympathetic extension this would enhance the character and appearance of the Conservation Area.
7. I have some sympathy with the Council's approach in respect of requiring timber windows on front elevations and I am mindful of the incremental improvements to the Conservation Area that this approach could deliver. The importance of this approach is reflected in the Article 4 Direction which applies in this area. However, within the context of the appeal proposal, the use of uPVC windows of a suitable design would not negate the enhancements arising from the proposal as a whole, including the demolition of the existing extension and the construction of a more sympathetic replacement.
8. The appearance of the site is further compromised by the inappropriate window designs on the host dwelling. The appellant refers to his intention to replace these windows, although this is not part of the appeal proposal and is not addressed by the disputed condition. Within the context of the windows within the existing property, windows of an appropriate design within the extension would represent an enhancement even if constructed from uPVC.
9. The appellant has suggested two alternative window designs. Firstly, casement windows with horns added to replicate sliding sash windows. However, I consider that these would not be of a suitable design and would appear as a clumsy pastiche outweighing the benefits of the proposal. Secondly, uPVC sliding sash windows and doors of a similar material. I acknowledge that this window design would not fully replicate the appearance of timber framed sash windows, including matters of finish and fine detailing. That said, I consider that a sliding sash uPVC framed design could be suitable within the context of

- the appeal site and the benefits arising from the proposal, subject to agreement of matters including design and installation.
10. In respect of the original condition, the wording related solely to the use of timber and did not address issues including design. As a result, timber windows of a design may have been installed which would not preserve or enhance the character and appearance of the Conservation Area. In this regard, the original condition was therefore not reasonable or necessary.
 11. A replacement condition would address this discrepancy. I raised this matter with the Council who suggested an alternative condition and I have given the appellant the opportunity to comment on this. Due to the particular circumstances of this proposal, I have concluded that the use of uPVC windows of a suitable design in the extension would be appropriate and I have amended the wording of the condition to reflect this. I conclude that this replacement condition is reasonable and necessary in the interests of preserving and enhancing the character and appearance of the Conservation Area. Subject to this condition, the proposal would comply with the design requirements of policies CS4 and CS5 of the Core Strategy 2008. The proposal would also comply with the National Planning Policy Framework in respect of achieving well-designed places as well as conserving and enhancing the historic environment.
 12. For the reasons given above, I conclude that the appeal should be allowed and the planning permission varied as set out in the formal decision.

David Cross

INSPECTOR

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