

## PLANNING AND DEVELOPMENT COMMITTEE

<b>Date:</b> Friday 10th September, 2021 <b>Time:</b> 1.30 pm <b>Venue:</b> Council Chamber
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### AGENDA

1. Welcome and Introduction
2. Apologies for Absence
3. Declarations of Interest
4. Minutes - Planning and Development Committee - 16 July 2021 3 - 8
5. Schedule of Remaining Planning Applications to be Considered by Committee 9 - 84  
  
Item 1 - Land at Hemlington Lane - Page 11  
Item 2 - Cleveland Cottage - Page 43  
Item 3 - 20 Fountains Drive - Page 61
6. Applications Approved by the Head of Planning 85 - 104
7. Planning Appeals 105 - 116  
  
Appeal 1 - 103 Roman Road - Page 105  
Appeal 2 - 2 Newport Crescent - Page 109  
Appeal 3 - 22 The Avenue - Page 113
8. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin  
Director of Legal and Governance Services

## MEMBERSHIP

Councillors J Hobson (Chair), D Coupe (Vice-Chair), D Branson, B Cooper, C Dodds, L Garvey, M Nugent, 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 729711/729742, [georgina\\_moore@middlesbrough.gov.uk](mailto:georgina_moore@middlesbrough.gov.uk)/[chris\\_lunn@middlesbrough.gov.uk](mailto:chris_lunn@middlesbrough.gov.uk)**

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on Friday 16 July 2021.

**PRESENT:** Councillors J Hobson (Chair), D Coupe (Vice-Chair), D Branson, B Cooper, C Dodds, J Rostron, G Wilson, S Dean (Reserve) (Substitute for J Thompson) and A Waters (Reserve) (Substitute for L Garvey)

**ALSO IN ATTENDANCE:** A Lambert, A Metcalfe, S Sabin, R Tucker, L Victoria, K Wanless, J Warren and R Williams

**OFFICERS:** P Clarke, A Glossop, C Lunn, G Moore and S Moorhouse

**APOLOGIES FOR ABSENCE:** Councillors L Garvey, M Nugent and J Thompson

21/6 **DECLARATIONS OF INTEREST**

Name of Member	Type of Interest	Item/Nature of Interest
Councillor B Cooper	Non-Pecuniary	Agenda Item 4, Item 2, Executive Member for Environment and Finance & Governance

21/7 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 11 JUNE 2021**

The minutes of the meeting of the Planning and Development Committee, held on 11 June 2021, were submitted and approved as a correct record.

21/8 **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.

**21/0064/COU Retrospective extension to residential curtilage with boundary fencing and wall to front at Whimsey Nook, Stainton Way, Middlesbrough TS8 9DF for Mr & Mrs K Wanless**

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 Head of Planning advised that retrospective planning permission was sought for the change of use of land to residential curtilage and erection of a boundary wall to the front. Extension to the curtilage had taken place on both the side and rear boundaries of the site, with a total land take of approximately 719m<sup>2</sup>.

Whimsey Nook was a relatively isolated property located on the southern side of Stainton Way. The site was bounded on both sides and to the rear by open land. Cleveland Community Safety Hub was located to the west, the access road to the Community Safety Hub and the wider Hemlington Grange site was to the east with residential development beyond.

The site of the existing property (prior to the unauthorised expansion of residential curtilage) was not allocated for any specific purposes in the Local Plan and was in use for residential purposes. Land immediately abutting the site to the west, east and south was allocated as employment land and was part of the Hemlington Grange site identified in the Development Plan.

Consideration needed to be given to the principle of the change of use and whether that would restrict future development of the adjacent site, thereby hampering the implementation of the Council's policies in relation to the wider Hemlington Grange area.

It was considered that although the proposed use did not accord with the uses set out in Policy H24 of adopted Development Plan, the extension of the curtilage of that existing residential premises would not unduly impact the potential for future development of the wider site. Nor would it prevent the implementation of the Council's policies set out in the Local Plan. As such, the change of use to residential curtilage was considered to be acceptable in principle.

The Head of Planning advised that the recommendation was to approve the application, with conditions.

A Member raised a query regarding the purchasing of the land. In response, the Head of Planning advised that it was understood that the Applicant had been in negotiations with the Council, had agreed terms for purchasing the land and that planning permission was required before the transaction to purchase the land could be completed.

In response to a Member's query regarding the site being currently allocated as employment land, the Head of Planning advised that the use was under review and it was envisaged that the allocation would be changed to residential use.

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

In summary, the Applicant advised that:

- When the property was purchased in 2014, the existing boundary line was a combination of thick, overgrown bushes and trees that faced onto an open field area.
- When removing the existing boundary line, markers were placed on the outer edge of the boundary line.
- 4 years later notification was received of encroachment onto Council land.
- Upon receiving that unforeseen news, the Council was contacted immediately to address/resolve the issue.
- The encroachment was initially disputed, however, regrettably it had been difficult to pin point the actual boundary line given the fact the bungalow was rural and faced onto a wide open field area.
- Arrangements had been made to purchase the land and heads of terms had been accepted and signed, on the understanding that the land would be transferred from agricultural land to garden use.
- It then came to light that the land was allocated as employment land and not agricultural, meaning the application required consideration by the Planning and Development Committee.
- Given the circumstances of the unintentional and regrettable encroachment and the arrangements being made to purchase the land, it was hoped that approval would be granted.

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

**21/0144/OUT Erection of 3 office buildings (Class E(c)) with potential for part ground floor use for restaurant/cafe (Class E(b)), and new public realm and associated landscaping, car and cycle parking with servicing including refuse storage and substations at Land at Central Gardens, Middlesbrough, TS1 2AZ for Ashall Projects Ltd**

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 Head of Planning advised that the application sought outline planning permission for three commercial office buildings (use class E(c)) with potential for restaurant/cafe elements (use class E(b)) at ground floor level. The overall development would create nearly 11,942 square metres of office space and 540 square metres of restaurant/cafe space. As the application was outline with all matters reserved (layout, scale, access, landscaping and appearance), indicative drawings had been submitted to illustrate how the proposed development might be arranged.

The overall site area of this outline application pertained to three separate sites within the Centre Square area of Middlesbrough town centre.

The first site was a large rectangular-like parcel of land positioned to the south of the Combined Law Courts, to the west of constructed 'Building 2', to the north of Fountains Court and Grange Road, and to the east of Mima art gallery. The parcel of land would accommodate two buildings: 'Building 3' and 'Building 5'.

The second site was a smaller, linear rectangular plot of land situated at the northeast corner of Centre Square, to the east of the Combined Courts. That would accommodate 'Building 4'.

The third site was a small rectangular parcel of land situated to the south of the approved 'Building 6' development, to the west of 168 Borough Road (Race Furniture) and to the east of government buildings along Borough Road.

The principle of office development (with associated ancillary uses) was deemed to be acceptable in the location. The reserved matters application(s) would provide the detail of the architectural style and overall design and would determine how the development fits within the wider Centre Square area.

Following the consultation period, twelve letters of objection had been received at the time of writing and a summary of the points made and issues raised was contained in the submitted report. There had been no objections from statutory consultees.

The application was also the subject of a petition signed by 519 persons, initiated by Middlesbrough and Redcar Friends of the Earth, which stated:

- There was very little nature in the city centre. Albert Park was the nearest real space at 1 kilometre away.
- Since lockdown, nature had become more important to the public and improved their mental well-being.
- Were the offices needed? More people would be working part-time or at home following the pandemic.
- Instead of new office buildings, old office buildings should be renovated, which would be cheaper and more environmentally friendly.
- The pond provided a pleasant environment.
- The area was being rundown. It would have looked good if not earmarked for development.

An addendum report was tabled, at the meeting, for the committee's consideration. The addendum report contained information on additional consultation responses, comments from the Council's Highways Officer and the revised location and masterplan.

Members were advised that a similar development had been approved in 2017 (17/0195/OUT). The previously approved outline application was for 'five commercial office buildings with part ground floor cafés, public realm works, landscaping, car parking, cycle parking and other ancillary development'. That approved development was of a similar scale and massing, and on very similar red line boundaries within Centre Square. Two of the five approved buildings had been constructed, Buildings 1 and 2, whilst the other three remained unimplemented. Members heard that the outline application, submitted and approved in 2017, had since expired.

The sites were currently occupied by greenspace, a pond and part of the Centre Square park (Central Gardens). All were within Middlesbrough town centre, part of a number of municipal and court buildings in an area called Centre Square. The sites were in close proximity to the Town Hall, the Empire Theatre, Central Library, the statue of John Vaughan and the monument to Sir Samuel Sadler, which were all Grade II Listed.

The principle of the development was something that Historic England was content with and that represented an important opportunity to work with and enhance Middlesbrough's sense of place. Concerns had been initially raised over the height of Building 3, but the revised scheme saw the height of that building reduced to 4/5 storeys. Building 5 had been re-introduced to compensate for the loss of floorspace but there had been no objections to that building.

Due to the overall scale of the proposed development and its siting on existing green space and potential wildlife habitats, it was important to ensure that there were no adverse impacts on any protected species, flora and fauna, and that the development provided biodiversity net gain.

Since approval of the last application in 2017, the Government published a revised version of the NPPF, which strengthened policy wording on biodiversity net gain. An Ecological Impact Assessment had been submitted in support of the application to assess any potential impacts. For the development site itself, the assessment indicated that the habitats on site were typically of low conservation importance and of local value only. The Council's ecological consultant had considered the report and agreed that the pond did not have significant importance from an ecological perspective.

Although the existing grassland, shrubs, trees and pond were considered only to be ornamental and of low conservation and local value, it was not accepted by officers that the current proposals provided biodiversity net gain. The initial landscaping proposals (highly managed landscape space and water feature with treated water) for the new development and the incorporation of some bird boxes were considered not to equate to the habitat that was being lost.

Those concerns needed to be addressed as part of any reserved matters application(s). Consequently, it was considered that a suitably worded condition for biodiversity net gain could be attached to any planning approval at the outline stage and its requirements met in the subsequent application(s) for the reserved matters.

A Member raised a query regarding the economic benefits of the development. The Head of Planning advised that through the development of the Local Plan and engagement with businesses, it had been identified that some offices were not fit for purpose. Therefore, the proposed development would contribute toward economic growth, increase footfall and achieve biodiversity net gain. It was added that, on 13 July 2021, the Executive had approved the adoption of the Green and Blue Infrastructure Strategy 2021 -2037. The strategy aimed to improve access to green and blue infrastructure and provide greening features in the town centre. To protect and enhance the ecology and biodiversity of the site and ensure the survival and protection of important species, a suitably worded condition had been attached. The proposal of how the Applicant intended to meet the requirements of that condition, would be provided in the subsequent application(s) for the reserved matters.

With regards to the availability of wider open space to serve the public and workers, some would be incorporated as part of the development. A significant amount of open space remained on Centre Square that would be available to the public to access and enjoy.

The scheme did include the provision of an area of open space that would be publicly accessible between Building 3 and the Law Courts. Whilst that would clearly not, in quantitative terms, replace that lost to development it would contribute to meeting some of the needs expressed by the objectors for open space to meet public needs. It was considered that, alongside the remaining Centre Square open space, the biodiversity measures outlined and the economic benefits associated with the proposal outweighed the loss of open space.

A discussion ensued and Members highlighted the importance of the scheme being subject to biodiversity net gain conditions to ensure that there would be no loss of biodiversity as a result of the development.

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

In summary, the Agent commented that:

- An outline application for the development of 5 commercial office buildings had been approved in 2017, two of the five approved buildings had been constructed whilst the other three remained unimplemented. The current outline application had since expired.
- The application sought outline planning permission for three commercial office buildings and aimed to attract new businesses and more spend within the local area.
- The Central sector had been identified as an appropriate location for offices.
- The overall scale and type of development proposed would evidently contribute

towards reinforcing and strengthening the role of the town centre as the principal centre within the Tees Valley city region and support the commercial role of the town centre.

- There was a common misconception in Middlesbrough that there was not a demand for office space, however, the empty units in the town were not fit for purpose and even with extensive investment to improve them they would not meet the standards of the modern Grade A office and the requirements of modern occupiers.
- The Government had hubs in the North East region, e.g. the Department for Education had offices in Darlington.
- The proposals were considered to have a beneficial impact on the town centre offer and on the economy.
- The development would appeal to high-value employers with a propensity to enhance the local economy and bring approximately 1000 jobs to the town, 33% more than was originally estimated.

Two Objectors were elected to address the committee, in objection to the application.

In summary, the Objectors commented that:

- Since lockdown, nature had become more important to the public and improved mental well-being.
- An e-petition, objecting to the development, had gained 519 signatures within a few days.
- There was already over 1000 office spaces available for use.
- The pond was a habitat for wildlife, including swans and ducks, and brought biodiversity to the town centre.
- The pond mitigated against flood risk in the area.
- The pond provided a pleasant public space for Middlesbrough's residents.
- Young people and families from working class backgrounds utilised the space regularly.
- The open space was vital for those suffering from mental health conditions.
- Assessing the open space and nature promoted higher levels of health and well-being, especially throughout the pandemic.
- There was no reason for the loss of the pond and the recreational area, the Civic Centre site could be built on.
- There were very few nature areas in the town centre for people to visit.

Given the comments made, a discussion ensued and Members queried whether public space could be re-provided by the development. The Head of Planning commented that Condition 9 would be amended to ensure that the lost open space would be replaced within the development, given the health and well-being benefits to the local community.

The Locum Solicitor commented that the issues raised by the Objectors were not material planning considerations that could lawfully justify refusal of the application. Although the reserve matters application would enable the committee to consider some of the issues raised, the application requiring consideration by Members was merely seeking outline planning permission for the development.

**ORDERED** that the application be **Approved on Condition** for the reasons set out in the report and subject to the amendment of Condition 9 as follows:

#### **Soft Landscape Works**

***In accordance with a phased scheme of soft landscaping, which has first been submitted to and approved in writing by the Local Planning Authority, a scheme of soft landscaping shall be implemented on the site for each building hereby approved prior to its occupation or within 9 months of the substantial completion of each building.***

***The scheme of soft landscaping, in addition to providing details of the position, species and number of all new planting, the planting regime / methods including the provision of root barriers and tree pits as necessary, shall also demonstrate how new green space, of a type suitable to its setting and location, that contributes to meeting the social and health needs of the community, will be incorporated and integrated into the scheme to mitigate the loss of that arising from the development.***

***Reason: In order to provide a high quality of development within a prominent town centre location, and ensure adequate re-provision of landscaping in accordance with the requirements of Local and National Policy.***

21/9

**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).

Members commented that in respect of those applications that had been refused, it would have been beneficial for the committee to be informed of the reason/s for refusal.

**NOTED**

## Planning & Development Committee - 10th September 2021

### Town planning applications which require special consideration

1	19/0355/FUL  Kader	Applicant Mr Ken Shannon  Agent Mr Craig Van Bedaf	Erection of 18no bungalows with associated access and landscaping works  Land At Hemlington Lane Middlesbrough
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2	21/0041/FUL  Marton West	Applicant Mr & Mrs Spriggs  Agent Mr Christian Cooling	Erection of 1no dwellinghouse (demolition of existing property)  Cleveland Cottage, Brass Castle Lane Middlesbrough TS8 9ED
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3	21/0290/FUL  Acklam	Applicant Mr John Bradley  Agent Mr Sean Mclean	Erection of 1no detached dwelling  20 Fountains Drive, Middlesbrough TS5 7LJ
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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>19/0355/FUL</b>
<b>Location:</b>	<b>Land At Hemlington Lane Middlesbrough</b>
<b>Proposal:</b>	<b>Erection of 18 no bungalows with associated access and landscaping works</b>
<b>Applicant:</b>	<b>Mr Ken Shannon</b>
<b>Agent:</b>	<b>Mr Craig Van Bedaf</b>
<b>Company Name:</b>	<b>POD</b>
<b>Ward:</b>	<b>Kader</b>
<b>Recommendation:</b>	<b>Approve with conditions</b>

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**SUMMARY**

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The application seeks planning consent for the erection of 18 bungalows with associated highway works, landscaping and infrastructure on the area of land located to the east of Hemlington Lane in Middlesbrough.

Following consultation there have been a total of 11 objections received from nearby residents and an objection from Councillor Arundale.

The objections and concerns are based on matters including the density of the development, the quality of the development, impact on the character and appearance of the area, loss of green space, impact on ecology and wildlife, traffic issues including congestion and highway safety, noise and traffic impacts during construction works and flood related issues on the highway

The proposed development will provide detached dormer bungalows which are considered to be a high quality design and which reflect the existing mixture of house types within the vicinity. The site layout has been designed to provide properties focussed around a central open space with other landscape strips to the rear of existing properties and around the site entrance. The development will result in no notable detrimental impact on the amenities of the neighbouring properties.

Highway works include the provision of a puffin crossing point and designated right hand lane on Ladgate Lane and a proposed footpath along Hemlington Lane to link the development to Ladgate Lane, which are considered to be an improvement to the existing highway arrangements.

There will be no affordable housing provided within the site itself with an off-site financial contribution of £425,000 being provided through a section 106 agreement.

The site is designated Green Wedge within the local plan and is contrary to the provisions of this policy, however consideration is given to the sites planning history. Development of the site was approved by the Planning Inspectorate in 1993, and by the council's planning committee in subsequent years (2000 & 2015). Whilst all of the previous permissions have lapsed the matter of the site being in the green wedge was considered in the latter of those decisions and due to the position of the site relative to surrounding features and the wider green wedge, it was considered that development of the site would not unduly affect the wider purpose of the designated green wedge.

The proposed development is considered to meet the requirements of the relevant national planning policies detailed within the NPPF and Local Plan Policies, specifically, H11, H12, CS4, CS5 and DC1.

The recommendation is for approval of the application subject to conditions and the entering into a S106 agreement for off-site provisions to make the application acceptable.

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

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The site is located to the east of the existing housing on Hemlington Lane and to the south of Ladgate Lane. To the south of the site is the A174 and to the east of the site is the slip road onto the A174 from the Ladgate Lane and Sandy Flatts Lane roundabout.

The site itself comprises of 1.2 hectares. The majority of the site is enclosed with established trees with the area to the north and north/east being open grassland up to Ladgate Lane.

The proposal is for the erection of 18 dwellings that will comprise of 3 and 4 bedroomed detached dormer bungalows. The dwellings will have four principle designs to include both integral and detached garages.

The site layout includes a single vehicular entrance into the site from the southern end of Hemlington Lane. The layout proposes the dwellings and highway access provided around the central open space area. The existing landscape strip and established trees will be retained along the southern boundary of the site between the A174 and to the west of the site between the existing properties along Hemlington Lane.

Highway improvement works will be undertaken along Hemlington Lane to provide a pedestrian footpath link on the eastern side of Hemlington Lane to link the development site to Ladgate Lane. Highway Improvement works on Ladgate Lane include a designated right hand lane into Hemlington lane and a formal pedestrian/cycle (Pelican) crossing to the east of the entrance to Hemlington Lane.

Drainage provision for surface water drainage from the site will include an underground attenuation tank located underneath the central open space area.

In addition to the landscaping provided within the site layout the proposal includes a financial contribution for offsite tree planting, which will be secured by a section 106 agreement.

A Section 106 agreement will be in place for contributions to the highway improvement works, affordable housing provision and the replacement tree planting.

Documents submitted in support of the application include:-

- Design Compliance Statement
- Preliminary Ecological Assessment

- Flood Risk Assessment
- Drainage Maintenance Statement
- Noise Impact Assessment
- Phase 1 Desk Study Site Investigation Report
- Phase 2 Intrusive Site Investigation Report
- Traffic Management Plan

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## PLANNING HISTORY

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Previous planning history for the site includes:-

C1286/70 - Application for certificate of appropriate alternative use under section 17 of the land compensation act 1959, approved.

M/FP/0110/93/P - Use of land for residential development – refused but later allowed at appeal.

M/OUT/1621/99/P – Outline permission granted for residential development at committee in January 2000. The outline application provided no specific detail on the number of dwellings and no conditions were attached to the approval in relation to the number of dwellings.

2015 Public Inquiry on application for village green status that was quashed.

M/OUT/0918/15/P – Outline application for residential development, approved by committee on the 2<sup>nd</sup> September 2015. The outline application provided no specific detail of the number of dwellings and no conditions were attached to the approval setting out the number of dwellings

18/0613/OUT- Outline planning application for residential development of up to 16 dwellings, withdrawn following submission of this current full application.

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## PLANNING POLICY

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

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

### Middlesbrough Local Plan

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

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

- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).

#### 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:

E2 – Green Wedge  
H11- Housing Strategy  
H12- Affordable Housing  
CS4 – Sustainable Development  
CS5 - Design  
CS1 7- Transport Strategy  
CS18 - Demand Management  
CS19 – Road Safety  
DC1- General Development  
UDSPD- Urban Design Supplementary Planning Document

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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Consultation letters were sent out to the local residents, a press notice was issued and site notices were posted around the site. Consultation was undertaken on the original and revised plans. The comments below are in response to the original and revised plans.

Eleven objections have been received from residents at 7 properties and an objection from Councillor Arundale.

The objection comments are summarised below.

#### Density

- a. 22 Dwellings exceeds the original outline number and not executive style homes
- b. Exceeds the original outline application density for the site
- c. Not bungalows which by definition are single storey buildings. They are dormer style to provide 3 to 4 bedrooms in a small space to maximise the amount of houses and profit.
- d. Following the 2015 refusal of the village green residents were advised of a requirement for larger executive style bungalows and would not exceed 11. This egg box style house does not meet that criteria.

#### Amenity

- e. Construction traffic and the associated noise and mess

#### Character and appearance

- f. Design of houses is not in keeping with the area.

#### Ecology/wildlife

- g. Deer, bats and large variety of birds on the site.
- h. Ecology report was preliminary undertaken in February at the wrong time of the year and inadequate
- i. Bat survey should also be carried out as present on the site.
- j. Trees alongside Meadowcroft will be removed for the access and this will increase noise to this property and is ecologically unnecessary.
- k. Trees shown on drainage easement on all drawings except C-1823-01
- l. Removal of trees which were planted as a sound barrier.

#### Green Space

- m. A 2015 village green application was refused at a hearing and following the meeting it was indicated that a development of 11 bungalows would be considered for the site. In 2018 an outline application was submitted for the site for 16 bungalows to renew the outline consent which had lapsed.
- n. One of the few areas of green space remaining in Middlesbrough.
- o. No requirement for additional homes on green space as housing nearby on the former Police HQ site, small development at the Golf Course. 11 signs for nearby housing within 100 yard stretch of road at the Blue Bell and end of Landgate Lane.
- p. Trees planted by the Council and continued by the residents for 40 to 50 years

#### Highways

- q. Road safety issues as access is via Hemlington Lane and issues with crossing the dual carriageway particularly on school days between 7.45am and 9am and 4.30 to 6pm and this is with only 6 cars in use along Hemlington Lane. Only a short section of road (one vehicle length) between the bollards opposite Hemlington Lane to turn.

- r. Access issues now with cars speeding from the mini-roundabout and not expecting people to turn into Hemlington Lane
- s. Turning into Hemlington Lane from the roundabout coming from Marton Road is a blind turn
- t. 22 dwellings with average of 2 cars would generate 44 additional vehicles in addition to the 6 currently within Hemlington Lane (some of whom retired) and jump from 6 to 50 unacceptable given current hazards on the road junction.
- u. Large volume of construction traffic on a daily basis on a narrow lane which has a narrow mouth, the current bin collection is at 7 am to avoid traffic.
- v. Increase in traffic is unsustainable for the current junction at Hemlington Lane
- w. Aerial view shows only safe and direct access would be from a spur off the mini-roundabout which would be similar to the Sandy Flatts Lane cul-de-sac access.
- x. Will create highway congestion
- y. Hemlington Lane unsuitable for increased traffic and parking.
- z. Access loop road within the development is so narrow will not allow emergency vehicle access.
- aa. Traffic survey during peak times would highlight the danger in turning into Hemlington Lane
- bb. Revised plans show a puffin crossing to the right of the exist on Hemlington Lane joining anew footpath which passes across all 5 properties taking in the grass verge in front of our houses. Several properties have block paved driveways that need to be crossed, all 5 houses have considered the grass verge as their own and maintained them so we object to this part of the proposal.
- cc. Suggest puffin crossing to the left of Hemlington Lane to connect to the 2 bus stops and more appropriate given people on foot coming from the Blue Blue Bell or Acklam Road shops/bus stops. The link footpath could be placed on the west side of the Lane where there is room without damaging our properties.
- dd. Emergency vehicles use Ladgate Lane for James Cook and there is a more suitable entry to the development off the mini-roundabout.

#### Drainage

- ee. No current drainage on the existing access road
- ff. Current water supply to the properties is barely adequate so would need new water supply.
- gg. Potential damage to the high pressure pipeline that lies underneath the area

#### Residual Issues

- hh. Reduce property values on Hemlington Lane
- ii. Site notices erected on the lamp posts on Ladgate lane where no footpath (Hemlington Lane side) and people walk on the opposite side.
- jj. Concerns the development only impacts on Hemlington Lane properties and due to Covid restrictions views will not be heard.

Resident objection comment received from :-

1. Newland, Hemlington Lane x 2 individuals
2. Hemlington Croft, Hemlington Lane x 2 individuals
3. Meadowcroft, Hemlington Lane x 2 individuals
4. The Moorings, Hemlington Lane x 2 individuals
5. Wayside, Hemlington Lane
6. 28 Sandy Flatts Lane
7. 135 Glendale Road

## Public Responses

Number of original neighbour consultations	32
Total numbers of comments received	7
Total number of objections	11
Total number of support	0
Total number of representations	0

### Councillor Arundale

As a ward Councillor I wish to object to the following application on several grounds, the main being the chosen access to the site. I earlier requested that access to the site for both construction and permanent use be made from the roundabout that at present serves Sandy Flatts Lane. I recall very clearly the reason given by highways for refusal was it would slow traffic flows! How then does the proposed reduction to single lane traffic of the section of Ladgate Lane from the same roundabout to the Blue Bell roundabout by means of hatched areas not slow traffic flows- no consistency here. Also the denied access from the roundabout replicates the roundabout at Nunthorpe almost identically and what is proposed elsewhere – again no consistency. It's my view the decision to use Hemlington Lane as access is more to do with finance rather than technical problems – so much easier and cheaper to use Hemlington Lane - a single carriageway road quoted as such in your travel plan!

Plus it probably allows two more houses ( not bungalows in my book ) to be built – more tax and new homes revenue – never mind the traffic issues to be suffered by residents on Hemlington Lane.

Further to that although I accept numbers have been reduced I expect little if any reduction in traffic flows because of as I remember an increase in numbers of larger houses and the parking arrangements to my mind fail to accept the reality of today's families having increasing numbers of vehicles.

Parking spaces for residents one behind the other and in one corner four -- two behind two in front of the garage to serve several properties with no visitor parking – made worse by an approach road one vehicle wide – how on earth is that expected to work !

### MBC Strategic Policy

The site is designated as Green Wedge in the main, with the northern part White Land. Policy E2 precludes residential development and requires proposals to not affect the predominantly open, green character; create undue disturbance; harm visual amenity; or reduce physical separation between development.

Policy E2 was saved by Secretary of State (SoS) direction in 2007. The SoS advised where policies were originally adopted some time ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions on planning applications.

The Local Plan Policies were adopted in 1999 and intended to cover the period up to 2006. The Green Wedge in the application site is fragmented from the wider Green Wedge by the road network. It is considered that residential development of the site would not be detrimental to the integrity of the wider Green Wedge.

The principle of residential development on the site has been established by Planning Permission, M/OUT/0918/15/P granted on 14.09.15.

Policy H11 for West Middlesbrough seeks to protect the high environmental quality of the area and requires new housing to meet aspirational needs and create a sustainable and balanced mix of housing and be of high quality and density appropriate to the location. The proposed development is a higher density than the existing dwellings on Hemlington Lane, but lower density than relatively modern developments in the locality (e.g. Finchlay Court). The proposed development includes a mix of dwellings, half of which are bungalows, which will contribute to a balanced housing stock.

Policy H12 requires development in Kader Ward to provide a 15% affordable housing contribution. The Policy advises that for sites under 30 dwellings the affordable housing requirement shall be provided as an offsite financial contribution. The application does not provide any details of how affordable housing will be provided.

Policy CS4 requires all development to contribute to achieving sustainable development. Policy CS5 requires all development to demonstrate high quality of design. Policy DC1 requires that the effect on protected open space within Green Wedges is limited; the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials will be of high quality; and the effect upon the amenities is minimal. The site is located adjacent to the A174 and consideration should be given to whether appropriate measures are proposed to mitigate noise and any potential air pollution to ensure satisfactory amenity for future occupants.

In summary the application is contrary to Policy H12 and should not be approved until the affordable housing contribution has been secured.

#### MBC Highways (In summary)

The proposal is to create 18 bungalows to be served from Hemlington Lane. The internal layout will be designed and constructed to adoptable standards, although only part of the new internal layout being proposed is being offered for adoption. The vehicular parking provision is in line with the Tees Valley design guide and specification. Further formal provision has also been made in the form of 6 designated visitor parking bays.

The existing access from Hemlington Lane onto Ladgate Lane (B1380) requires right turning vehicular movements to cross a number of lanes, Ladgate Lane at this point currently accommodates approximately 20,000 vehicles per day. Highway improvement works have been proposed in order to mitigate the issue of right turning manoeuvres, with a designated lane being created for entering and exiting Hemlington Lane. This will involve adjustments to the central reservation on Ladgate Lane, with the introduction of appropriate signage and road lining to highlight the arrangement.

Given the number of units and the current levels of traffic on the surrounding network, the anticipated traffic generation of the site will not have a material impact on the operation of the highway network.

In terms of pedestrian and sustainable transport access, currently there is no footway on Hemlington Lane itself, with limited provision on the south side of Ladgate Lane, which is available in order to facilitate access to a bus stop. There is cycling provision on the north side of Ladgate Lane, but from Hemlington Lane there is no safe or formal crossing arrangement to enable access to this facility for pedestrians or cyclists. Given the need to ensure sustainable transport provision is accommodated within all new developments in Middlesbrough, a footway on Hemlington Lane and safe crossing point over Ladgate Lane must be provided. This would mean the introduction of a pelican crossing point approximately ten metres East of the Ladgate Lane / Hemlington Lane junction. These works can be carried

out as part of a 278 agreement, in line with the aforementioned works to the central reservation and designated turning lane. This infrastructure will enable access to the locality for amenity.

An appropriate scheme for lighting arrangements will also have to be considered given the need to expand Hemlington Lane to accommodate the development.

#### **Mitigation**

- Provision for a formal crossing arrangement to accommodate pedestrians and cyclist movements accessing the north side of Ladgate Lane from Hemlington Lane.
- Eastbound vehicles tuning into Hemlington Lane from Ladgate Lane will a designated right turn lane.
- Lighting arrangements would have to be considered throughout the development to ensure it meets adoptable standards and supports the provision of the schemes implemented as a result of the development.
- Lining works on Ladgate Lane would have to be carried out in order to facilitate the new arrangement.
- Creation of a footway on Hemlington Lane

As a result, we have no objections to the development subject to conditions relating to the construction, design and materials for the roads/footpaths, off-site highway works and a method of works statement.

#### **Highways England (In summary)**

No objections subject to the following condition:-

Framework Construction Traffic Management Plan by SAJ Transport Consultants Ref NO JN2102-Rep-0001.2 Dated 5 November 2020 must be implemented to the satisfaction of Middlesbrough Council Planning Authority in consultation with Highways England for the application to be acceptable.

Reason:- To ensure that the A174 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.

#### **NWL (In summary)**

We have no objections subject to the development being completed in accordance with the "Proposed Drainage Strategy". In this document it states the foul and surface water flows shall discharge to the existing combined sewer at manhole 4504. The surface water discharge rate shall be restricted to 5l/sec.

We would therefore request that a condition be placed on the application that the proposal be completed in accordance with the submitted drainage strategy dated 19<sup>th</sup> march 2021 with the final surface water discharge rate agreed with the Lead Local Planning Authority.

An informative should be added to the application regarding Northumbrian Water not allowing building works over any of their apparatus and the applicant should contact NWL regarding precise locations of apparatus.

#### **Northern Gas (summarised)**

No objections, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, we require the promoter of the works to contact us directly to discuss our requirements in more detail.

#### MBC Local Flood Authority

I have looked at the information provide and I have no objections to the development subject to conditions requiring a Surface Water Management Plan and a Surface Water Management and Drainage Plan.

#### MBC Waste Policy

Please note that properties serviced by "shared drives" will need to make their refuse and recycling receptacles available at the nearest public highway for collection.

Waste Services are not allowed to travel on shared drives (private)

Adequate provision should be made within the development for the temporary collection stance of bins on collection days

#### MBC- Environmental Protection Team (summarised)

No objections subject to a sound attenuation condition.

Before the use of the development is commenced, validation testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such validation testing shall:

- i. Be carried out in accordance with the approved noise assessment.
- ii. Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

#### Tees Valley Wildlife (In summary)

On the basis that the development will clear around 1 hectare of woodland and that the expected planting density of a new, similar sized area would be trees at 4m centres, it would seems reasonable to ask for 2,500 trees in compensation which would equate to a contribution of £2,500 (£1 per tree).

#### Secure By Design – Cleveland Police

- Along the eastern boundary with the woodlands for a 2.2 metre high fence or railing fence rather than the 450 mm timber kick rail shown on the plans
- All the private driveways which are located between the properties should have dusk to dawn lighting for the car park areas.
- Should be to Secure By Design gold standards and if not a minimum of silver standards
- The gates and fences around the sides of the properties should be 2 metres minimum and not 1.8 metres.
- Issues in terms of the parking spaces shown behind plots 21 and 22 in terms of no overlooking from the proposed properties and therefore potential security issues.

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### **PLANNING CONSIDERATION AND ASSESSMENT**

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#### Policy Context

1. Under saved Local Plan Policy E2 (Green Wedge) the application site is allocated as green wedge. Policy E2 comments that the green wedge areas form a major element of the greenspace network and will be retained as open space and that planning permission within the green wedge will not be granted for development which would:
  - a. *Involve residential development not required for agriculture or forestry or substantial building works; or*
  - b. *Result in the loss of grade 1, 2 or 3a agricultural land; or*
  - c. *Affect the predominantly open, green character of a Green Wedge or create undue nuisance or disturbance to occupiers of nearby properties or to quiet enjoyment of the open space in the Green Wedge; or*
  - d. *Harm visual amenity; or*
  - e. *Adversely affect areas of nature conservation or archaeological value; or*
  - f. *Impair public access to green wedges, or compromise greenlinks (policy E4); or*
  - g. *Prejudice the sustainability of agricultural or forestry operations; or*
  - h. *Reduce the physical separation between existing development*
2. Housing Local Plan Policy H11 (Housing Strategy) for West Middlesbrough seeks to protect the high environmental quality of the area and requires new housing to meet aspirational needs and create a sustainable mix of housing. The policy requires the new housing to be of a high quality and density appropriate to the location.
3. Housing Local Planning Policy H12 (Affordable Housing) requires new housing development within the Kader ward to provide a 15% affordable housing contribution and for sites which are under 30 dwellings to provide the affordable housing contribution as an off-site financial contribution.
4. Core Strategy Policies DC1 (General Development), CS4 (Sustainable Development) and CS5 (Design) seek to ensure a high quality sustainable development; ensure amenity of the nearby residents and that the character of the area and highway safety are not adversely affected by the development. Policy CS5 requires a high quality of design in terms of form, layout and contribution to the character and appearance of the area.
5. CS17 (Transport Strategy) requires development to be located where it will not have a detrimental impact on the operation of the strategic network. Policy CS18 (Demand management) requires that the level of private car parking be restricted to be in accordance with the Tees Valley Design Guide and Specification with Policy CS19 (Road Safety) advising that new development should include measures to discourage car use and encourage sustainable transport choices.
6. The main considerations with this proposal are the principle of the development, site layout and design, impact on the character and appearance of the street scene, amenity, ecology/landscaping, highways, flood risk and any other residual matters.

#### Principle of the development

7. The principle of residential development on the site was previously established through the three previous planning approvals for the site. Residential housing was approved in 1993 (M/FP/0110/93/P), 1999 (M/OUT/1621/99/P) and 2015 (M/OUT/0918/15/P). The consent for the most recent 2015 outline scheme has lapsed, however the policies which applied to that application still remain relevant policies to be considered now. Furthermore, there have been no changes in Planning Policy since the 2015 approval was granted.

8. The Local Plan was adopted in 1999 and whilst the Green Wedge policies have been saved they have not been reviewed and as such must be considered in the context of more recent policy changes including the NPPF. The majority of the application site is allocated within the adopted Local Plan as green wedge with only part of the northern section of the site being unallocated.
9. Saved Policy E2 seeks to retain green wedges and open space areas as they provide a major element in terms of the greenspace network. Policy E2 states that residential development will not be considered suitable unless it relates to accommodation for agricultural or forestry workers or would not affect the predominantly open, green character or quiet enjoyment of the green wedge or create undue nuisance or disturbance to occupiers of nearby properties. In addition, Policy E2 comments that new development should not harm visual amenity, impair public access to green wedges/compromise green links or reduce the physical separation between existing development. It is officer opinion however that in this instance little weight can be attributed to saved policy E2 in the consideration of this application.
10. The proposed housing will not be utilised for agricultural or forestry needs, but the location of the development is immediately adjacent to the residential development at Hemlington Lane to the west and new residential development being constructed to the east across the A174 slip road on the area of land to the west of Coulby Manor Farm. The location of the site between these areas of existing built form results in the site being viewed as a continuation of the existing urban development in this area and as a result is not considered to have a significant impact on the existing open character or the enjoyment of the wider green wedge.
11. Policy E2 refers to maintaining the physical separation between existing development and the green wedge to preserve the open character of the green wedge and this stands as a principle for the entirety of the Borough's Green Wedge. However, in this instance, there is residential development immediately adjacent to the site and development to the immediate north on the opposing side of Ladgate Lane. Notwithstanding this, the A174 serves as a buffer between developments to its north and south.
12. Although the proposal will result in the loss of an area of the green wedge, the physical separation of the application site from the remainder of the green wedge allocation means it differs from other allocated green wedge areas. The application site is segregated from the wider surrounding green wedge areas due to the position of the adjacent highway network. Ladgate Lane and the associated Sandy Flatts and Ladgate Lane roundabout segregate the site from the green wedge area to the north and north-east with the A174 segregating the site from the green wedge areas to the south-east. It is therefore considered that this physical separation of the site from the wider green wedge allocation and the lack of current linkage to the wider areas of green space, will prevent its loss from having a detrimental impact on the overall wider integrity of the green wedge area or compromise existing greenlinks.
13. To the east of the application site across the A174 slip road is an area of land to the west side of Coulby Manor Cottage which was allocated as green wedge within the local plan which was similarly segregated from the wider green wedge areas by highway infrastructure. This site received planning approval in 2012 for 7 dwellings, with construction having started (M/FP/1009/12/P). This site is similar to the application site in terms of the physical location of the green wedge allocation. That site had previous approval for a caravan park and crazy golf and planning approval was granted in 2012 following assessment of the previous approvals for the site and having considered the National Planning Policy Framework's presumption in favour of sustainable development along with the requirement for a balanced housing stock.

14. The majority of the site is enclosed with established trees with only the northern area towards Ladgate Lane being grass verge. A strip of the existing tree belt along the western and southern boundaries of the site will be retained along with the existing trees which lie outside of the eastern site boundary adjacent to the A174 slip road. The proposal will result in a large number of the established trees removed within the site itself that will result in a change to the existing appearance of the site from the street scene.
15. The site layout and design has been amended to provide a more open aspect. With the proposal providing dormer bungalows, reduced in number from the initial submission, down to 18, with rear gardens facing Ladgate Lane. The northern boundary of the site will provide a native hedgerow. The proposal will result in the loss of a section of the green wedge. However, given the principle of the development of housing on the site has been accepted through previous approvals on the site the revised design, density and landscaping provided alongside the physical separation of the site from the wider green wedge means the impact on the character and appearance of the overall green wedge area is considered to not be significant.
16. Policy H11 (Housing Strategy) advises that housing development within West Middlesbrough should maintain the high quality of the area and requires new housing to meet aspirational needs and create a sustainable and balanced mix of housing. Policy H11 sets out that new development should be of a high quality of design and density which is appropriate for the location.
17. The proposed density of the site has been reduced from the original 22 bungalows to 18 bungalows. Whilst the density is higher than the nearby residential properties located along Hemlington Lane it is lower than the density of several of the modern development within the vicinity such as Finchlay Court. The proposed bungalows will contribute to providing a balanced housing stock within the immediate area.
18. Policy H12 (Affordable Housing) requires new housing development within the Kader ward to provide a 15% affordable housing contribution. The policy advises that for sites under 30 dwellings such as this application site, the contribution will be provided as an off-site contribution. The development will provide no on-site affordable houses and so an off-site contribution will be secured by a section 106 agreement.
19. Policies DC1, CS4 and CS5 seek to ensure that all new development is a high quality sustainable development. The application site is located within a predominately residential area and is within walking distance of local services provided towards the Blue Bell Roundabout with schools and bus links on both sides of Ladgate Lane. The proposal will provide a new footpath link along Hemlington Lane and a Puffin Crossing on Ladgate Lane to improve footpath and cycle links to the site and existing properties along Hemlington Lane. The site is considered to be within a sustainable location
20. The revised site layout is considered to provide a more comprehensive development that includes a central open space area with the majority of the dwellings fronting the open space. The dwelling numbers have been reduced which has provided opportunities for detached garages to the rear of properties and driveways to the side to increase the front garden areas. Individual properties provide the required privacy separation distances. The reduction in the number of dwellings to 18 is considered to provide an acceptable density without compromising on the standard of the development.
21. It is considered that the development meets the requirements of Policies DC1, CS4, CS5 and H11 and H32.

## Site Layout and Design

22. The National Planning Policy Framework (NPPF) paragraph 124 requires local authorities to support the efficient use of land by identifying the need for different types of housing, the availability of infrastructure and services whilst setting out the importance of securing a 'well designed, attractive and healthy places.' Paragraph 125 of the NPPF sets out that 'developments make optimum use of the potential of each site to meet housing requirements' providing they are well designed and maintain an areas prevailing character and setting within a sustainable location.
23. Policy DC1 comments that 'the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials will be of high quality with Policies CS4 and CS5 commenting that new development should 'enhance both the built and natural environment'.
24. The site is located immediately to the east of a row of detached residential properties along Hemlington Lane with Ladgate Lane located to the north. The A174 is located towards the southern boundary of the site with the A174 slip road located towards the eastern boundary. The overall gross density of the site with 18 dwellings is slightly higher than the existing density provided from the properties on Hemlington Lane, however is comparable to the modern housing development to the west at Finchlay Court. The site layout provides a mixture of 3 and 4 bedroomed dwellings providing four detached house types which will be dormer bungalows. The proposed dwellings will include a mixture of integral and detached garages. The properties have varying garden sizes, but each property will provide sufficient private amenity space.
25. The site layout has been amended since the original submission to reduce the number of properties to 18 and to provide an area of open space within the centre of the site. The dwellings within the scheme have been designed so the majority of the properties front the central open space area. The revised design will provide rear gardens towards Ladgate Lane with the rear elevations of the properties set back from the main highway. The layout will retain some of the existing trees within strips of land to the rear of the properties along the western, southern and eastern boundaries of the site. To integrate the proposed dwellings with the existing properties that front onto Hemlington Lane and to improve the view into the site, the layout provides a dwelling positioned towards the entrance of the site.
26. Objection comments have been made that design of the properties does not fit in with the character of the area. Whilst the properties are two storey, they are dormer bungalows which will assist in minimising the height, bulk and scale of the properties. Each of the properties include a mix of design features such as individual pitched roof dormers, bay windows, projecting front gables and stepped front elevations. The rear of the properties provide single storey off-shoots with floor to ceiling glazing features. The materials for the dwellings have been set out as traditional materials within the Design Statement although their precise specification will be secured by condition as recommended.
27. Consideration has been given to the 'Secure By Design' principles and the comments of the Police Architectural Liaison Officer. The revised layout has removed garages that were located to the rear of properties that had no natural surveillance, perimeter boundary fence heights have been increased and opportunity for the site to be used as a through route has been closed off. Concerns were raised by Cleveland Police Secure By Design officer on the gate heights to the side of properties being only 1.8 metres in height, however this height is considered to be a reasonable height for security purposes.

28. A number of concerns have been raised in relation to the initial consultation, regarding the density of the site and that the 22 dwellings exceeds the outline consent and that the properties are not executive style housing. The outline permissions approved in 1999 and 2015 had no dwelling numbers approved as part of the outline application. Notwithstanding this, officers have had concerns over the density of the development and how this affected the site layout and relationships between properties. Following requests being made to the applicant, the number of dwellings within the site has been reduced from 22 to 18 dwellings.
29. Based on the current site layout and the levels of amenity provided to the occupants and the existing neighbours, the current density provided within the site is considered acceptable.
30. Some objection comments refer to the properties not being executive style housing, however, this is not considered to be a requirement. Instead, what is considered to be more appropriate in this location is that properties reasonably fit with the closest existing developments and in view of the matters discussed, it is considered the proposed scheme achieves this.
31. Further objection comments refer to the dwellings as not being bungalows as they are not single storey. Again, there is no specific policy requirement for bungalows to be provided on the site and the scale of properties is considered to be suitable taking into account the surrounding developments and will be able to be achieved without dominating the site or surroundings.
32. The proposed dwellings are considered to be a high quality design in accordance with the requirements of the NPPF and Policies DC1, CS4 and CS5 in this regard.

### Character and Appearance

33. The application site is located on a corner site to the south of the Ladgate Lane and Sandy Flatts Lane Roundabout and the A174 slip road. The majority of the site is covered by semi established trees with only the northern section of the site being grass verge up to Ladgate Lane. It is a visibly open site which provides clear views of the existing tree cover.
34. The proposal will result in the loss of a significant number of semi established trees within the site which has been considered as part of the proposed site layout design. Trees will remain in part to the western boundary, southern boundary and eastern boundary and the proposed layout provides rear gardens facing Ladgate lane and a central green space which will provide for some new small scale tree planting. In addition, the dwelling type has been restricted to dormer bungalows to reduce the overall height and scale of the dwellings and limit the visual impact of the development when viewed from Ladgate Lane.
35. It is acknowledged that given the proximity to Ladgate Lane a 2.2 metre high acoustic boundary fence is required along the northern and north-eastern boundary to ensure there will be no noise impacts to future residents. The proposed northern boundary fence line will be positioned alongside the existing low side boundary fence and hedge line at Newlands on Hemlington Lane. To soften the visual appearance of the fence native hedge will be planted to the front of the fenceline.
36. There will be one vehicle entrance into the site from Hemlington Lane with the creation of a new footpath link along the eastern side of Hemlington Lane. On both sides of the

vehicle entrance into the site are areas of open space which include a row of trees along the north side of the entrance/footpath. Internally within the site itself is a central area of open space that provides additional tree planting with additional trees within the front gardens of the properties.

37. The development will remain relatively open plan with only higher boundary treatments provided on corner sites. Between the front garden areas of the properties hedgerows will be planted with additional shrub planting to the sides of properties on prominent corner plots. On highly visible plots consideration has been given to the visual appearance of the boundary treatment with brick walls and timber fencing panels being provided. Plot 1 at the entrance of the site is visually prominent and the front boundary treatment will be dwarf wall with railings. Between the front garden areas of the properties hedgerows will be planted with additional shrub planting to the sides of properties on prominent corner plots and where possible driveways have been split to provide larger more open front garden areas.
38. It is acknowledged that the proposed development will remove a significant number of trees within the site, which do contribute to the character and appearance of the street scene. However, the site is located between major highway infrastructures along three boundaries with residential development sited on the remaining boundary. In terms of the visual appearance of the site, there will remain a section of established trees outside of the application site to the east of the site between the slip road and sections of the established trees will remain between the housing development to the east and the A174 to the south. The overall site layout design and the landscaping proposed will assist in ensuring the proposed development will reasonably fit within the site and will not have an unduly harsh appearance.
39. On balance, the development is considered to be in accordance with the requirements of Policies CS4 and CS5.

#### Amenity

40. Core Strategy Policy DC1 comments that all new development should consider the effects on the amenities of the occupiers of nearby residential properties during and after completion.
41. The application site has residential properties located along the western boundary of the site along Hemlington Lane. The existing properties along Hemlington Lane have their rear elevations and rear gardens facing towards the application site. The layout of the estate has been designed with the rear and side elevations of the properties facing towards the existing residential properties along Hemlington Lane. The separation distances that will remain between the existing residential properties and the habitable room windows of the proposed dwellings will be 21 metres or above with over 14 metres remaining between side facing habitable room windows. Where the distances between rear and side elevations are less than 14 metres such as plots 1 and 2 the facing side elevation windows are non-habitable bathroom windows. The separation distance accords with the privacy distances set out in the Council's Urban Design Supplementary Planning Document (UDPSD).
42. Internally all the properties meet both the 21 metre and 14 metre separation distances. The internal space within each of the dwellings meets the government space standards for new dwellings, with each property providing good sized private garden spaces with additional outdoor amenity space provided with the central open space area.
43. The application site has the A174 located immediately to the south and Ladgate Lane located to the north so consideration has been given to the potential noise impacts for

future residents from the traffic. A Noise Assessment has been submitted (March 2020) which assessed the impacts from these noise sources and has recommended noise mitigation measures in the form of acoustic fencing which have been incorporated within the site layout. A 2.65 metre high acoustic boundary fence to the rear of plots 1 –7 and a 2.2 metre high acoustic fence along the north and north eastern boundaries along with appropriate noise insulating glazing for the dwellings. The Council's Environmental Protection officers have considered the noise assessment and have commented that they have no objections subject to a validation assessment being provided prior to the use commencing. A condition is recommended to address this.

44. The Council's Waste officer has no objections to the development, subject to the properties with shared driveways being responsible for bringing their refuse and recycling bins to the nearest highway. The waste officer has commented that potential storage areas for the bin collection should be provided, however the majority of the driveways adjoin the main road within the proposed development which will be adopted, with only three plots with a shared driveway off the adopted highway (Plots 13,14 and 16). These three plots are only a short distance to the adopted highway and it is considered these would not require a bin collection point given the ability for these to sit within the driveway arrangements.
45. Objection comments have been received regarding the construction traffic and the associated noise and mess from the development. It is recognised that the construction traffic of nearly all developments will affect residential amenity and this site is no different, however, it is a short term impact and is not a material planning consideration. Should there be any undue noise or mess on the highway associated with the construction site then there is legislation beyond planning which would deal with such issues.
46. In view of the above, it is considered that the development will not have a detrimental impact on the amenity of any existing residents, and the proposed layout will ensure that new residents have adequate levels of amenities, being in accordance with the requirements of Policies DC1 and CS5.

#### Ecology/Landscaping

47. Core Strategy Policy CS4 requires development to ensure 'biodiversity assets, geodiversity, wildlife species, natural habitats, green infrastructure' are protected and enhanced'.
48. The application site is an area of undeveloped enclosed green wedge with the majority of the site being established trees and the northern section being an open grassed area.
49. Objection comments have been received that there are deer, bats and a variety of birds within the site. The application is supported by a Preliminary Ecological Assessment (June 2019). The assessment reported no evidence of greater crested newts within the site but indicated that the trees within the site provided potential but limited suitable features for roosting bats and were assessed as having a negligible to low risk of bats being present. There were several mature trees on the south-eastern boundary of the application site which may have the potential for bat roosts. The Ecological report concludes that the loss of the trees within the site will not have a significant impact on the local bat population with the higher value habitats being available in the local area along the beck corridors.
50. The ecological appraisal considered the trees within the site would provide nesting opportunities for birds. However, the ecological assessment concludes that subject to

time restrictions on the clearance of the site, the loss of the trees within the site is unlikely to have a significant impact on local bird population as there are similar habitats available for bird nesting alongside the boundaries of the site and within the local area.

51. The Ecological survey recommends mitigation measures that include further survey work to ensure no Japanese Knotweed is within the site, replacement landscaping to provide more suitable wildlife habitats, potentially incorporate a wildlife meadow, the provision of native hedgerows and tree planting, minimum levels of lighting within the site to ensure no impact on bat movements and gaps between fences to ensure hedgehog movements through the site. A condition is recommended to achieve these provisions.
52. The proposed landscaping within the site provides trees within the rear and front gardens along with hedges between the front garden areas and along the northern boundary of the site and Ladgate Lane. Additional tree planting will be provided within the central open space area and additional landscape shrubs to the front and side of the properties.
53. Objection comments have been received that the Ecology report was undertaken at the incorrect time of the year and is inadequate. The Preliminary Ecological Assessment has been considered by Tees Valley Wildlife Trust who have advised that the clearance of approximately 1 hectare will result in the loss of biodiversity in Middlesbrough. To compensate for this loss of biodiversity, Tees Valley Wildlife Trust have requested replacement tree planting of 2,500 trees to be utilised as part of the Wildlife Trusts partnership work with the Council to provide a biodiversity restoration plan to plant 30,000 trees over the next 5 years. The applicant has agreed the payment of a financial contribution of £2500 for the purchase and replanting of the trees which will be secured by a section 106 agreement.
54. The proposal will see the loss of the majority of the existing trees within the site. The Ecological Assessment undertaken and the inclusion of the additional tree planting and landscaping within the site alongside the financial contribution for additional tree planting within the borough, means the proposed development is considered not to have a significant impact on ecology and the proposal accords with the requirements of Local Plan Policy CS4.

#### Highways

55. The proposed development will be accessed from Hemlington Lane with the internal road layout being provided to adoptable standards. Only part of the new road layout will be offered for adoption with the remainder of the site being private driveways.
56. Vehicular parking for each of the dwellings is provided in accordance with the Tees Valley Design Guide Specification with an additional 6 visitor parking bays provided centrally.
57. Objection comments raise issues over road safety/congestion and the current access from Ladgate Lane into Hemlington Lane with the crossing of a dual carriageway, particularly at school times and with cars speeding from the roundabout not expecting vehicles to turn into Hemlington Lane. Further objections have been raised regarding the increase in the volume of traffic into the development with an average of 2 cars per property in addition to the current traffic for the 6 dwellings on Hemlington Lane.
58. The existing access from Hemlington Lane onto Ladgate Lane requires a right turn that involves the crossing of a number of lanes of traffic, which at this point currently

accommodates 20,000 vehicles per day. The scheme proposes highway improvement works to mitigate any potential issues for cars turning right into Hemlington lane when travelling eastbound along Ladgate Lane. The proposed works include a dedicated right hand lane for entering and exiting Hemlington Lane to achieve safe manouvering. The Highway officers consider that given the number of units proposed for the development and the current levels of traffic on the surrounding network, the anticipated traffic generation of the site will not have a material impact on the operation of the highway.

59. In relation to pedestrian access and sustainable transport access into the site, there is currently no pedestrian footway along Hemlington Lane with only a limited section of footpath leading from the junction of Hemlington Lane to the bus stop on the south side of Ladgate Lane. There is a pedestrian/cycle path on the north side of Ladgate Lane but no current safe crossing over Ladgate Lane from Hemlington Lane to access the current pedestrian/cycle path.
60. The proposed scheme would provide a new pedestrian footway along Hemlington Lane which extends to the east side of Ladgate Lane alongside the provision of a new pelican crossing point approximately 10 metres east of the Ladgate Lane / Hemlington Lane junction. This will improve the sustainable transport provision for the site.
61. The pelican crossing, installation of the new footpath along Hemlington Lane and the designated right hand turn on Ladgate Lane will be secured through legal agreements and associated contributions. An appropriate scheme for lighting will also be considered to ensure the internal layout and Hemlington Lane meets adoptable standards.
62. The Highway Agency has been consulted given the proximity of the site to the A174 and associated slip roads. The Highway Agency have no objections subject to the development being conditioned to be implemented in accordance with the Construction Transport Management Plan.
63. The Highway Agency have raised concerns on the potential noise levels from the highway to the existing and proposed houses and asked the Local Authority to ensure this is addressed in any noise assessment. The noise assessment provided for the development has been assessed by the Council's Environmental Health officers who have raised no concerns subject to a validation condition.
64. Objection comments have been received suggesting an additional spur could be created from the mini-roundabout into the site, similar to the Sandy Flatts Lane Cul-de-sac access. The Highway Engineers have commented that the introduction of an additional fifth leg to the roundabout would be impractical given the size. With the roundabout being on part of the strategic network the creation of any additional accessed or junctions is avoided to ensure there are no highway safety implications. There is an existing access onto the strategic network that already exists in the form of Hemlington Lane, which presents a low level of vehicle manoeuvring and good visibility splays.
65. Objection comments have been made that the proposed reduction to single lane traffic on this section of Ladgate Lane from the Sandy Flatts roundabout to the Blue Bell roundabout will not slow traffic flows. The Highway Engineers have commented that although there are two eastbound lanes currently between Acklam Road and Sandy Flatts Lane, both lanes are not utilised efficiently. Both north and south bound connections to the Blue Bell roundabout only allow one lane each to enter Ladgate Lane. Although Low Lane allows the flow into two lanes, it is not heavily utilised given

the limited capacity of Low Lane in that it operates as a single two way flow carriageway and the level of demand at the Blue Bell roundabout does not justify the two corresponding lanes on Ladgate Lane. As a result the additional lane can be repurposed to ensure the existing accesses it serves are safer by introducing protected turning facilities.

66. Objection comments reference the new footpath being placed to the front of properties on Hemlington Lane which have block paved driveways, with the area to the front of the properties having been maintained by the home owners as their own. Suggestions have been made that the footpath be located on the west side of Hemlington Lane to link to the bus stop and the Bluebell and Acklam Road shops.
67. The section of land immediately to the side of the highway along Hemlington Lane is adopted highway and not within private ownership. The proposed footpath location is to enable the connection to the pelican crossing which provides access to the existing footpath/cycle path on the north side of Ladgate Lane which provides existing access to the Bluebell and Acklam Road shops.
68. Objection comments relate to the internal loop road within the development not providing sufficient access for emergency vehicles. The internal access road will have a minimum width of 3.5 metres with no objections have been received from the highway engineers regarding emergency vehicle access with the development.

#### Flood Risk

69. Core Strategy CS5 sets out that all new development should provide 'sustainable methods of surface drainage' to 'mitigate against localised flooding, promote water conservation and help protect water quality'.
70. A flood risk assessment has been submitted in support of the application. The site is within 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 acceptable form of development in line with the NPPF.
71. A revised drainage strategy has been submitted in April 2021 that shows the surface water will be collected and directed to an attenuation tank (below ground under the central open space area) which has been designed to take up to 100 year storm events with an additional allowance for 40% climate change. The surface water will be held within the attenuation tank and allowed to discharge into the public surface water system by a hydrobrake which will restrict the water from the site (to the agreed discharge rate) to the existing drainage system.
72. The Lead Local Flood Authority and Northumbrian Water has been consulted and have raised no objection to the principle of the development subject to conditions requiring a Surface Water Drainage Maintenance and Management Plan to be provided prior to the commencement of the development. Northumbrian Water have requested an informative requesting the developer contact themselves regarding precise locations of their equipment as a public sewer crosses the site with no development to be undertaken above the sewer.
73. Objections comments have referred to the potential damage to the existing high pressure pipe line that lies underneath the area and the current poor supply of water to the existing houses. The site layout has taken into consideration the high pressure pipe which runs along the western boundary of the site with no development proposed within this area with an informative requiring the developer to contact Northumbrian

Water for specific details of the locations of the pipes. Northumbrian Water have been consulted and raised no issues in terms of potential water supply issues to the existing or proposed dwellings.

### Residual matters

74. Objection comments have been received that there is no requirement for housing on green space as there are houses available on the former Police HQ site and a smaller development site near the Golf Course on Ladgate Lane and that the 3 and 4 bedrooms is for profit. Further comments relate to the devaluation of the properties along Hemlington Lane. These points are noted but are not material planning considerations which can be considered in that the proposed development is not being considered appropriate based on a lack or excess of housing being provided elsewhere.
75. Comments have been received that the site notices were erected on lampposts where there is no footpath (Hemlington Lane side) and people walk on the opposite side. The site notice referred to was one of several placed close to the site with additional notices on the opposite side of Ladgate Lane and at the bus stop. Additional wider consultation was undertaken with a newspaper notice. Officers are satisfied adequate consultation has been undertaken.
76. Concerns have been raised that the development only affects the properties along Hemlington Lane and that due to Covid restrictions the views of residents will not be heard. Given the length of time the application has been considered wider publicity of had already taken place prior to the Covid situation with further consultation on revised plans having taken place as normal during the Covid situation. The Covid situation will not prevent members of the public wishing to speak or make representations at planning committee.

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## **RECOMMENDATIONS AND CONDITIONS**

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### **Approve with conditions**

1. Time Limit  
The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
  
Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. Approved Plans  
The development hereby approved shall be in accordance with the following approved plans
  - a. Site location plan drawing SD-00.01 dated 13<sup>th</sup> June 2019
  - b. Existing site plan drawing SD- 10.01 dated 13<sup>th</sup> June 2019
  - c. Proposed site plan drawing SD-10.02 REV K dated 3<sup>rd</sup> March 2021
  - d. Colour site plan drawing SD-10.03 REV A dated 3<sup>rd</sup> March 2021
  - e. Landscape Plan drawing C-1823-01 Rev A dated 3<sup>rd</sup> March 2021
  - f. Boundary treatment drawing SD-50.02 dated 3<sup>rd</sup> March 2021
  - g. Boundary treatment drawing SD-50.01 REV A dated 3<sup>rd</sup> March 2021
  - h. House type A elevation drawing SD-30.01 REV A dated 3<sup>rd</sup> March 2021
  - i. House type A floor plan drawing SD-20.01 REV A dated 3<sup>rd</sup> March 2021

- j. House type B elevation drawing SD-30.02 REV A dated 3<sup>rd</sup> March 2021
- k. House type B floor plan drawing SD-20.02 REV A dated 3<sup>rd</sup> March 2021
- l. House type C elevation plan drawing SD-30.03 REV A dated 3<sup>rd</sup> March 2021
- m. House type C floor plan drawing SD-20.03 REV A dated 3<sup>rd</sup> March 2021
- n. House type D elevation plan drawing SD-30.05 dated 3<sup>rd</sup> March 2021
- o. House type D floor plan drawing SD-20.05 dated 3<sup>rd</sup> March 2021
- p. Revised adoption plan drawing SD-10.06 dated 3<sup>rd</sup> March 2021
- q. Construction Traffic Management Plan dated November 2020
- p. Surface Treatment plan drawing SD-10.04 REV B dated 10<sup>th</sup> February 2021
- q. Proposed drainage strategy drawing 21021-001- REV P1 dated 7<sup>th</sup> April 2021
- r. Proposed Development Flood Flow drawing 21021-011- REV P1 dated 7<sup>th</sup> April 2021
- s. Drainage Maintenance Statement 21021 REV P1 dated 7<sup>th</sup> April 2021
- t. Noise Assessment dated 3<sup>rd</sup> March 2020

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. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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

10. 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.

11. 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.

#### 12. Off-Site Highway Works

The development hereby permitted shall not come into use until the highway works as detailed in such plans subsequently submitted to and approved in writing by the Local Planning Authority:

- a) Introduction of a right turning lane for entering and exiting Hemlington Lane;
- b) Creation of a footway on Hemlington Lane;
- c) Appropriate highway signage;
- d) The creation of a pelican crossing point over Ladgate Lane; and,
- e) Any road lining works required for the aforementioned facilities;

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

#### 13. Construction Management Transport Plan

The development shall be implemented in accordance with the Framework Construction Traffic Management Plan (Ref NO JN2102-Rep-0001.2 Dated 5 November 2020) and to the satisfaction of Middlesbrough Council Planning Authority in consultation with Highways England unless otherwise agreed in writing.

Reason: To ensure that the A174 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.

#### 14. Surface Water Drainage Management Plan

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

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

- (iv) Measures to control silt levels entering the system and out falling into any watercourse or public sewer during construction.

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

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

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

The development shall not be occupied until a Management & Maintenance Plan for the surface water drainage scheme has been submitted and approved by the Local planning Authority; the plan shall include details of the following;

- (i) A plan clearly identifying the arrangements for the adoption of the surface water system by any public authority or statutory undertaker (i.e s104 Agreement) and any other arrangements to secure the operation of the scheme throughout its lifetime.
- (ii) Arrangements for the short and long term maintenance of the SuDS elements of the surface water system

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

#### 16. Ecology

Prior to the development hereby approved being commenced on site a scheme of ecological mitigation shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme of mitigation.

Reason: To adequately take account of ecological matters within the site.

#### 17. Landscaping – Management Plan

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The Landscape Management Plan shall be carried out as approved.

Reason: In order to ensure long term presence and maintenance of landscaping.

### **REASON FOR APPROVAL**

The analysis of the development determines that the proposals are for a sustainable development, which will assist in economic growth in the town. The proposed layout and dwellings are of a high quality design and would provide a pleasant and sustainable environment offering a good mix of dwelling types. Landscaped areas within the site will enhance ecological potential. 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 allocated as green wedge within the adopted local plan. Although the dwellings conflict with Policy E2 the segregation of the site from the wider green wedge means on balance the conflict with policy E2 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 or flood risk. The development will support the spatial vision set out in the development plan.

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## INFORMATIVES

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### Northumbrian Water

We can inform you that a public sewer and strategic water main crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We include this informative so that awareness is given to the presence of assets on site. For further information is available at <https://www.nwl.co.uk/services/developers/>

### Northern Gas Networks

The applicant should contact Northern Gas Networks directly to discuss the location of apparatus during construction works. Should diversionary works be required these will be fully chargeable.

### Discharge of Condition Fee

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

### Civil Ownership Matters

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

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

### Rights of Access/Encroachment

This planning approval does not permit any person to access another person's land/property to enable the works to be completed, without their consent. Any encroachment into another

person's land/property above or below ground is a civil matter to be resolved between the relevant parties.

#### Building Regulations

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

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

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

#### 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.

#### 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](http://www.communities.gov.uk)

#### Dilapidation Survey

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

#### Highways Consent/Appropriate Licences

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).

#### 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 the bat survey suggested an endoscope survey be completed prior to development commencing on site to determine if any bats are present. 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.

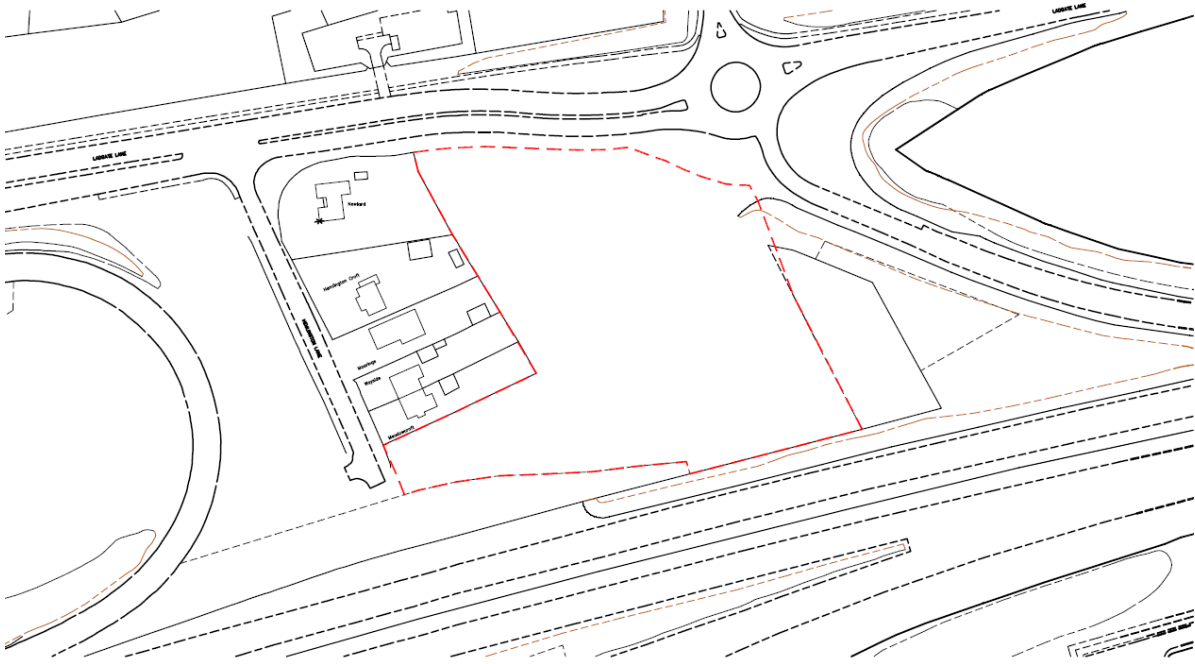
### Secure By Design

The applicant should seek to develop to accredited secure By Design Gold standards and a minimum silver with full guidance being available within SBD Homes 2019 guide at [www.securebydesign.com](http://www.securebydesign.com) and to contact Stephen Cranston at [Stephen.Cranston2@cleveland.pnn.police.uk](mailto:Stephen.Cranston2@cleveland.pnn.police.uk)

Case Officer: Debbie Moody

Committee Date: 10<sup>th</sup> September 2021

## Appendix 1: Site Location Plan



## Appendix 2: Proposed Site Layout



### Appendix 3: Proposed Housetypes



Type A  
Front Elevation



Type A  
Rear Elevation



Type D  
Front Elevation



Type D  
Side Elevation



Type D  
Back Elevation



Type D  
Side Elevation



Type C  
Front Elevation



Type C  
Side Elevation



Type C  
Rear Elevation



Type C  
Side Elevation  
Gable window to plots 8 & 16 only

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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>21/0041/FUL</b>
<b>Location:</b>	<b>Cleveland Cottage, Brass Castle Lane Middlesbrough TS8 9ED</b>
<b>Proposal:</b>	<b>Erection of 1no dwellinghouse (demolition of existing property)</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs Spriggs</b>
<b>Agent:</b>	<b>Mr Christian Cooling</b>
<b>Company Name:</b>	<b>JCM Property Consultants Ltd</b>
<b>Ward:</b>	<b>Marton West</b>
<b>Recommendation:</b>	<b>Approve with Conditions</b>

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**SUMMARY**

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The application site is located outside the limits of development. Permission is sought to replace the existing dwelling with a new dwelling in the same location. Following a consultation exercise no objections were received. Two representations were received with comments on the proposed development and one letter of support was received. A Ward Councillor has also written in support of the proposed development.

The development has been considered in relation to relevant policies within the Local Plan, Marton West Neighbourhood Plan and the Nunthorpe Design Statement. The dwelling is considered to be acceptable in relation to its scale, mass, design and appearance resulting in a high quality development. It also provides opportunities for additional landscaping which further enhance the quality of the development and the character of the area.

The development has been recommended for approval subject to a number of conditions.

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**SITE AND SURROUNDINGS AND PROPOSED WORKS**

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The application site is located on the east side of Brass Castle Lane, it's access point is approximately 500m northeast of the junction with De Brus Park. The site comprises a large detached two-storey dwelling in large grounds with an access road and detached garage. The site is located in a rural area with fields to the immediate north, east and south. To the west on the opposing side of Brass Castle Lane is the grounds of the Middlesbrough Golf Club. In the wider area there are pockets of residential dwellings to the southwest and northeast.

Permission is sought for the erection of a large detached two-storey dwelling on the site of the existing dwelling and associated garage which are to be demolished.

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## PLANNING HISTORY

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M/FP/0832/11/P Extensions and alterations including orangery to rear, two storey front extension, link extension to new double garage and formation of new 1st floor over existing annex Approve with Conditions  
30th September 2011

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## PLANNING POLICY

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

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

### Middlesbrough Local Plan

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

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

### 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  
 CS4 - Sustainable Development  
 CS5 - Design  
 CS18 - Demand Management  
 CS19 - Road Safety  
 DC1 - General Development  
 E20 - Limit to Urban Development  
 E21 - Special Landscape Areas  
 E22 - New Housing in Countryside  
 MWNP - Marton West N'hood Plan  
 NDS - Nunthorpe Design SPD  
 UDSPD - Urban Design SPD

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

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## CONSULTATION AND PUBLICITY RESPONSES

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Following a consultation exercise including a press notice and site notice, three comments were received from residents. The comments are summarise below.

### **Resident comments - no objection but issues raised:**

- a) All materials, plant, temporary accommodation should be kept within the red line and not stored on adjacent agricultural land;
- b) Construction activities limited to Monday to Friday 7.30am to 4.30pm only, and exclude bank holidays;
- c) Concerned discharge into septic tank and soakaway may pollute neighbours land, current location may be in neighbours land, or is at least very close to it. Increased size of property and swimming pool will increase discharge to septic tank. Who would be responsible for any pollution?

### **Received from:**

1. Ryehill Farm Cottage, Brass Castle Lane
2. Mr Craggs, neighbouring land owner via Jonathan Willis Chartered surveyor.

### **Resident comments - support**

- a} Happy to support the application

### **Received from:**

1. 7 De Burs Park, Brass Castle Lane

### **Planning Policy - MBC**

The proposed development is contrary to Policies E20, E22, H1 and CS4 which would not normally allow a new dwelling in this location. However, as the proposed new dwelling is a replacement for an existing dwelling, this would be an overriding material planning consideration.

Consideration should be given to whether the scale and design of the dwelling conforms with the requirements of Policies E21, CS5, DC1, Marton West Neighbourhood Plan and the Nunthorpe Design Statement SPD.

### **Environmental Health - MBC**

No objections subject to a pre-commencement condition requiring a full and competent site investigation including risk assessment to be undertaken to identify any contamination present and specify adequate remediation necessary. Validation of the remediated site will also be required.

### **Highways - MBC**

No response

### **Waste Policy - MBC**

Waste and recycling receptacles will need to be made available for collection at the nearest public highway (Brass Castle Lane) and returned to the property after collection

### **Northumbrian Water**

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

### **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.

### **Northern Powergrid**

No response

### **Secured by Design - Cleveland Police**

In relation to this application, I recommend applicant actively seek to develop to accredited Secured By Design standards, full guidance is available within the SBD Homes 2019 guide at [www.securedbydesign.com](http://www.securedbydesign.com). I would also encourage the applicant contact me for any advice, input I can offer in relation to designing out opportunities for crime to occur.

### **Nunthorpe Parish Council**

No Response

### **Councillor Chris Hobson**

As this house stands in its own grounds and the application is for a dwelling on roughly the same site area I would have no objection to this.

### **Public Responses**

Number of original neighbour consultations	19
Total numbers of comments received	3
Total number of objections	0
Total number of support	1
Total number of representations	2

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## PLANNING CONSIDERATION AND ASSESSMENT

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1. During the application process revised details were received following officer comments. The revised details are the subject of this report.
2. A number of the comments received are not material planning considerations as they are controlled by separate legislation such as the working hours on site. These comments will not be considered as part of this analysis of the development.

### Principle of Development

3. The application site is located beyond the Limits to Development and within the Special Landscape Area. Policy E20 seeks to protect the open countryside from development by strictly controlling development beyond the Limits to Development. The Policy advises that new dwellings will only be allowed where they accord with Policy E22, which only allows housing that is essential for the efficient functioning of agriculture or forestry. The proposed new dwelling is not related to agricultural or forestry use and as such, is contrary to Policies E20 and E22.
4. Policy H1 advises that development proposals, including windfalls, will need to be sited within the urban area, satisfy the requirements for sustainable development of Policy CS4 and contribute to and fully integrate with a sustainable transport network. The proposed development is not within the urban area, as such, it is contrary to Policy H1.
5. Policy CS4 requires all development to contribute to achieving sustainable development principles. This includes being located so that services and facilities are accessible on foot, bicycle or by public transport and that reliance on the private car is reduced or minimised. The lack of nearby bus stops and no footpaths and street lighting on Brass Castle Lane is likely to discourage occupiers from using public transport or other sustainable modes of transport, leading to significant daily reliance on the use of private vehicles that would be contrary to Policy CS4.
6. Whilst the proposed development is contrary to the above policies, these do not take account of new dwellings that are replacements of existing dwellings which is a material planning consideration in this instance. The policies restricting residential development from this location aim to preserve the countryside and provide housing within the defined urban areas or on the immediate edge of the urban areas where good levels of sustainability and access to services can be achieved. This proposal, replacing a large house with another large house is considered to not be contrary to the principle aims of the policies referred to as it will not increase the numbers of properties outside of the limits of development as defined within the local plan. The existing dwelling is a substantial size and the proposed dwelling, although larger in size, is located on the same site as the existing building. As such the impact on the open countryside and sustainability when measured in these terms is considered to be acceptable.
7. The majority of the proposed dwelling is located within Marton West ward and the rear of the building is within Nunthorpe, therefore the development must adhere to the principles set out in policies within the Marton West Neighbourhood Plan and the Nunthorpe Design Statement which relate to the scale, design and the quality of the

building as well as the landscape setting. These matters will be discussed in the sections below.

### Amenity

8. The site is located in a rural area with large fields separating it from all surrounding properties with the closest residential property being over 180m away. The proposed dwelling is located in roughly the same position of the site as the existing dwelling and is not significantly different in terms of the proposed overall building height. As a result, the development will not notably alter the relationship with the surrounding properties in terms of light, privacy or dominance of appearance.
9. The development is considered to be in accordance with the requirements of Policy DC1 in this regard.

### Design/Streetscene

10. Policies CS5, MW3, MW6, H1, D1 and D3 all seek to ensure that developments demonstrate high quality design in terms of layout, form and contribution to the character and appearance of the area. This includes that development is well integrated with the immediate and wider context and enhances the built and natural environments. Further guidance on design is set out in the Middlesbrough Urban Design SPD.
11. The proposed building is located in roughly the same position as the existing building on the site. The attached garage which sits forward of the main house to the north of the site is approximately 3m closer to Brass Castle Lane than the existing at a distance of approximately 41m. The southern corner of the proposed building is approximately 51m from Brass Castle Lane which is approximately 9m further away than the existing building. The overall width of the building is only 1m larger than the existing buildings on site. The increase in size comes from the increased depth with the proposed being approximately twice the depth of the existing building at its narrowest point and three times the depth at its widest point. The increased depth projects to the rear of the site away from Brass Castle Lane and will therefore not be unduly overbearing on, or detrimental to the character of the area when viewed from the streetscene.
12. The height of the main house is the same as the existing house, albeit the main house is now slightly wider than the existing and a chimney is proposed which is higher than the ridge line. The proposed house then drops down to single storey with a glazed link connecting the house to the detached garage which has rooms in the roof.
13. Whilst the appearance of the proposed dwelling differs significantly over the existing dwelling, the scale and massing when viewed from Brass Castle lane is not considered to be significantly different.
14. The proposed dwelling has been designed to incorporate traditional Georgian features and proportions found on manor houses within the Teesside area and sits within its own large grounds. It also incorporates contemporary elements such as the glazed link which complements the traditional design. The rear of the building steps away from traditional proportions and includes large windows providing views across the grounds of the property and wider views across the surrounding rural area. Traditional features such as stone window surrounds, a stone porch, hipped dormer windows and parapet walls all add to the high quality design of the property and the proposed stone walls and slate roofs will further enhance the quality of the development.

15. The existing access wall is to be retained. The access is located centrally at the site with the dwelling set off to one side to the north of the site. This ensures views through the access are not dominated by the building and provides some open aspect across the site to the wider countryside.
16. It is considered that the development is in accordance with the requirements of Policies CS5, MW3, MW6, H1, D1 and D3 of the Local Plan, Marton West Neighbourhood Plan and Nunthorpe Design Statement.

#### Landscaping

17. Policies E21, CA1, D1 and D7 all relate to landscaping. Development proposals should not detract from the special scenic character and quality of the landscape and should seek to retain and enhance important landscape features such as trees and hedgerows.
18. The proposed development seeks to retain all existing boundary hedgerows around the site. It further proposes to provide additional landscaping within the grounds including tree planting along the access road and within the grounds to the front of the house, as well as additional and extensive planting at the front of the grounds. The landscape works will result in landscape features traditional for manor houses, will provide enhanced screening of the property when viewed from Brass Castle Lane and will provide increased opportunities for biodiversity at the site.
19. The development is considered to be in accordance with the requirements of Policies CS5, E21, CA1, D1 and D7 in this regard.

#### Highways

20. The proposed development retains the existing access on to Brass Castle Lane and provides ample parking provision for the dwelling with 4 garage spaces and additional external parking as well as space for vehicle turning within the site. In view of these matters it is considered that the development will not have any impact on the local highway network in relation to safety or capacity.
21. The development is considered to be in accordance with the requirements of Policy DC1 in this regard.

#### Other Matters

22. Concerns have been raised in relation to the septic tank. It is noted that the existing dwelling discharges into the septic tank. The location of the septic tank possibly being within the neighbours land is a civil matter, the application can only be considered on the basis of the information submitted which states it is within the site boundary. From the planning perspective, the existing property discharges into the septic tank and therefore there is no planning reason the replacement property shouldn't. Should the septic tank not be finally utilised, a condition is recommended requiring the agreement with the LPA for a new foul water drainage scheme. Issues relating to the appropriateness of the septic tank in relation to the ability to deal with the discharge from the proposed development is considered as part of the separate building regulations process.
23. Whilst the comments made in relation to the septic tank are not a planning consideration in this instance, the full comments have been sent to the applicant.

## RECOMMENDATIONS AND CONDITIONS

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### Approve with Conditions

1. Time Limit

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

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

2. Approved Plans

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

- a) Site Location Plan, drawing no. JCM031 001;
- b) Proposed Site Plan, drawing no. JCM031 003 rev. C;
- c) Proposed Floor Plans, drawing no. JCM031 004 rev. A; and,
- d) Proposed Elevations, drawing no. JCM031 005 rev. A.

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. Hardstanding Details

Prior to the construction of the hardstanding at the front of the property hereby approved, details of materials to be used in the construction of the hardstanding shall be submitted to and approved in writing by the Local Planning Authority. Where non-permeable materials are proposed the submitted details must include a drainage scheme. Thereafter the works shall be carried out in accordance with the approved details and retained on site in perpetuity.

Reason: To reduce flood risk and in the interests of highway safety having regard for policies DC1 and CS4 of the Local Plan and sections 12 and 14 of the NPPF.

5. PD Rights Removed Extensions/Alterations and Outbuildings

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no building hereby approved shall be extended or materially altered in external appearance in any way, including additions or alterations to the roof, nor shall any ancillary buildings be erected in the curtilage of any property (other than those expressly authorised by this permission) without planning permission being obtained from the Local Planning Authority.

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

area and in the interests of resident's amenity having regard for policies CS4, CS5, DC1 and section 12 of the NPPF.

6. Landscape Scheme

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

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers, densities where appropriate; implementation programme.

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

7. 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.

8. 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.

9. 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.

10. Foul Water Drainage

Should the existing septic tank on the site not be utilised to provide foul drainage for the dwelling hereby approved, the dwelling hereby approved shall not be occupied until a new foul water drainage scheme has been implemented on site and brought into use in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: in order to ensure an appropriate form of drainage is achieved relative to the site.

### **REASON FOR APPROVAL**

This application is satisfactory in that the design of the proposed dwelling accords with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraph 38 of the NPPF (2018). In addition the dwelling accords with the local policy requirements (Policies CS4, CS5, DC1 and E21 of the Council's Local Development Framework) and policies within the Marton West Neighbourhood Plan and Nunthorpe Design Statement.

In particular the dwelling is designed so that its appearance is complementary to the area and so that it will not have a detrimental impact on the amenity of any adjoining or nearby resident. The dwelling will not prejudice the appearance of the area and does not significantly affect any landscaping nor prevent adequate and safe access to the site.

The application is therefore considered to be an acceptable form of development, fully in accordance with the relevant policy guidance and there are no material considerations which would indicate that the development should be refused.

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### **INFORMATIVES**

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#### Discharge of Condition Fee

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

#### Civil Ownership Matters

This permission refers only to that required under the Town and Country Planning Act 1990 (as amended) and does not include any other consent or approval under any enactments,

byelaw, order or regulation. The grant of planning permission does not override any third party rights which may exist over the application site.

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

#### Rights of Access/Encroachment

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

#### Building Regulations

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

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

#### Statutory Undertakers

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

#### 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](http://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: 10th September 2021

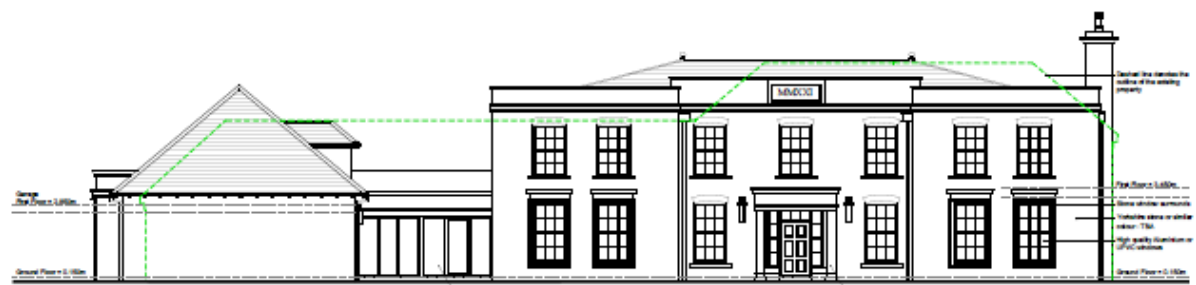
## Appendix 1: Site Location



## Appendix 2: Proposed Site Layout Plan



## Appendix 3: Proposed Elevations



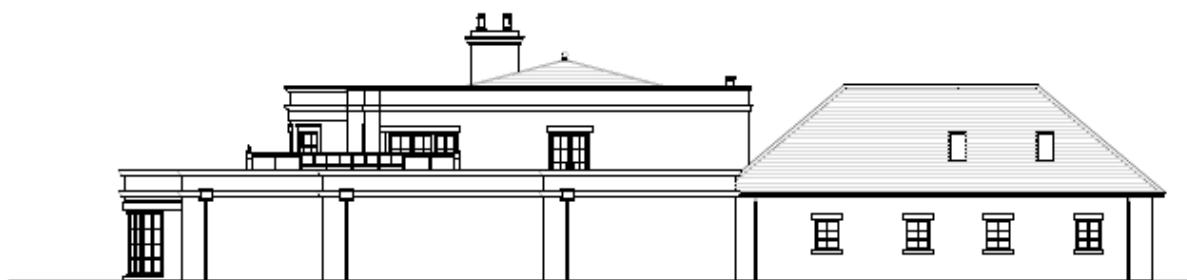
Front Elevation (North West) - 1:100 as proposed



Side Elevation (South West) - 1:100 as proposed



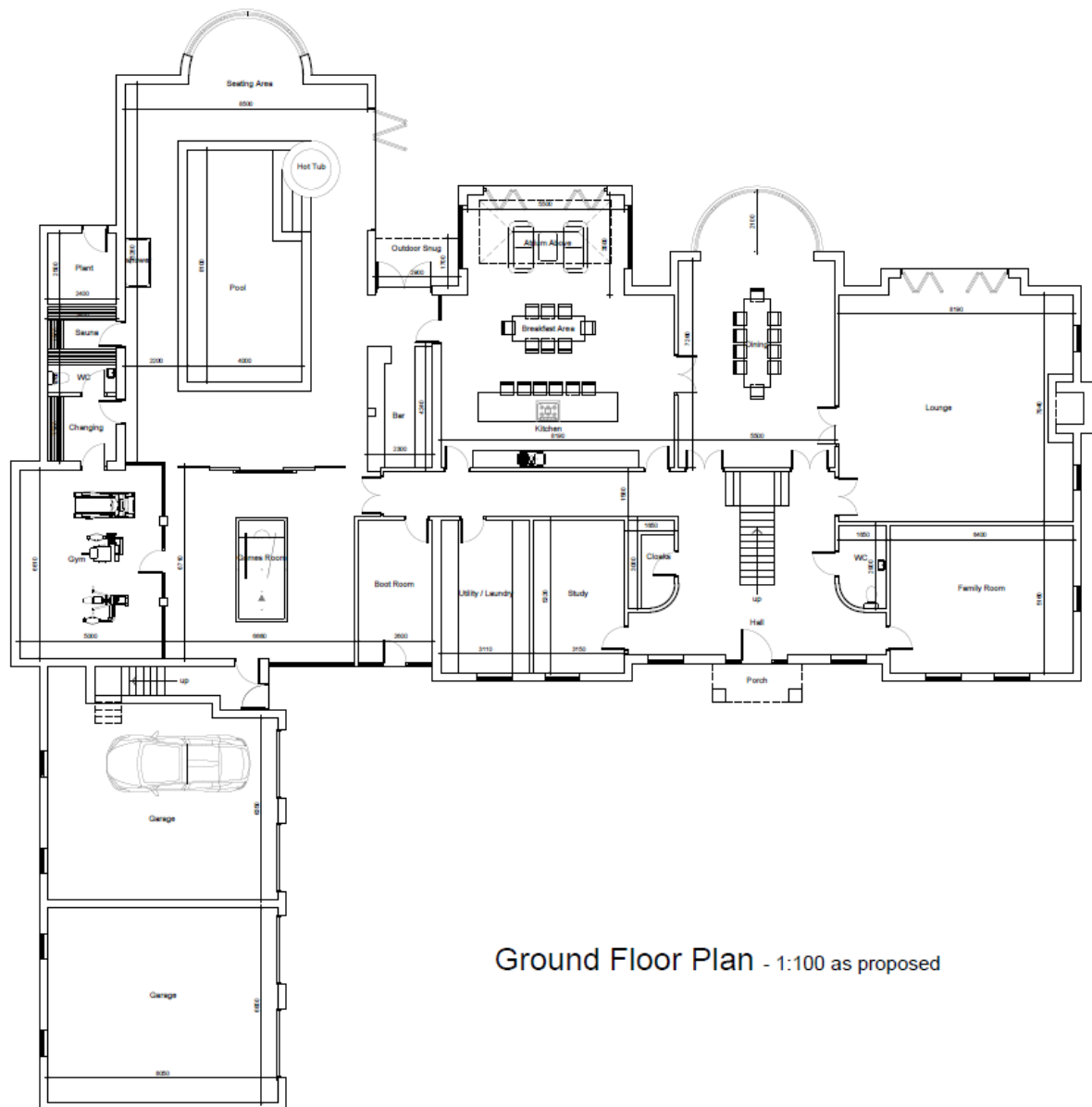
Rear Elevation (South East) - 1:100 as proposed



Rear Elevation (North East) - 1:100 as proposed

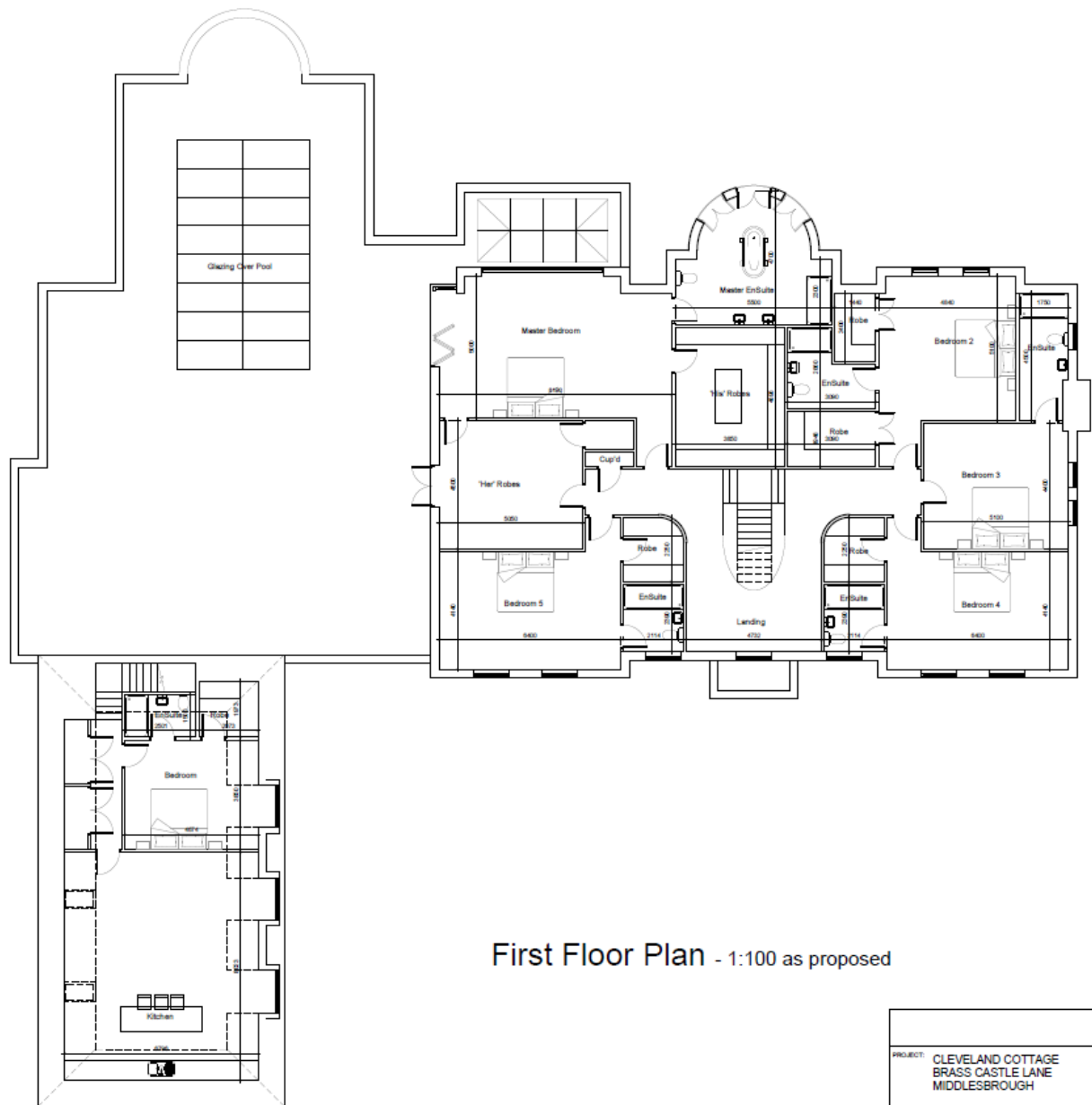
## Appendix 4: Proposed Floor Plans

### Ground floor



Ground Floor Plan - 1:100 as proposed

# Proposed First floor



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## COMMITTEE REPORT

### Item No 3

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#### APPLICATION DETAILS

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<b>Application No:</b>	<b>21/0290/FUL</b>
<b>Location:</b>	<b>20 Fountains Drive Middlesbrough, TS5 7LJ</b>
<b>Proposal:</b>	<b>Erection of 1no detached dwelling</b>
<b>Applicant:</b>	<b>Mr John Bradley</b>
<b>Agent:</b>	<b>Mr Sean Mclean</b>
<b>Ward:</b>	<b>Acklam</b>
<b>Recommendation:</b>	<b>Approve with conditions</b>

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#### SUMMARY

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This application seeks the erection of a two-storey dwelling on the section of residential garden located immediately to the north of 20 Fountains Drive in Acklam. The vehicle access for the property will be provided directly from Sledmere Drive.

The application site is located on a corner plot at the junction of Sledmere Drive and Fountains Drive in a predominately residential area of Acklam. The frontage of the property will face towards Fountains Drive with a section of close boarded boundary fence positioned along part of the side boundary facing Sledmere Drive.

The applicant is seeking the erection of a four bedroomed detached dwelling on the residential land to the side of 20 Fountains Drive. Since the original submission the plans have been amended to reduce the width of the two-storey element of the dwelling by 1.5 metres and to provide a reduced hipped roof detail on the rear elevation. The proposed side boundary fence has been relocated to be set away from the pavement along Fountains Drive/Sledmere Drive. The application site has been granted previous approval for a detached two storey dwelling and a separate application for a dormer bungalow on the site and the principle of development of residential development in this location is established as a result.

The proposal will include the demolition of the existing detached garage, relocation of the properties existing entrance door and first floor bedroom window from the side elevation to the front elevation and the installation of a front driveway at the host property at 20 Fountains Drive, all of which falls within the permitted development regulations and does not require planning permission.

Following a consultation exercise there have been 42 objections received from neighbours and an objection from Councillor Sheila Dean and Councillor Eric Polano as well as two support comments. The objections relate primarily to the scale of the development, loss of privacy and amenity, overbearing impact, noise and dust, impact on the character and

appearance of the street scene, highway safety, construction traffic, drainage, no need for the housing and the devaluation of neighbouring properties.

The support comments relate to the proposal improving the current anti-social behaviour on this section of land, the fact speeding concerns can be addressed separately, drainage issues are unrelated to this property and the dwelling building line follows those of Sledmere Drive and Fountains Drive.

The revised design and reduced scale of the dwelling are considered to achieve a property which is in keeping with the scale, design and character of the existing semi-detached two-storey properties along Fountains Drive. The separation distances, location of the dwelling and the position of the windows/doors relative to other properties are considered to ensure the privacy and amenity of the neighbouring properties will not be significantly affected. The proposed vehicle access to the rear of the property from Sledmere Drive is sufficient distance from the junction to ensure no impact on the existing visibility splays whilst providing adequate parking provision for the proposed dwelling with no additional impacts on highway safety. The development is considered to be in accordance with Policies DC1, CS4, CS5 and H11 and is recommended for approval subject to conditions.

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

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The application site is an area of open residential curtilage located to the north of 20 Fountains Drive. The site is located on the corner of Fountains Drive and Sledmere Drive. The proposal is for the erection of a two-storey detached dwelling with vehicle access from Sledmere Drive.

The proposed two-storey dwelling will front Fountains Drive with the frontage being set back from the highway to be in-line with the existing properties along the eastern side of Fountains Drive. It will have a pitched roof design with a maximum ridgeline roof height of 6.9 metres with a lower gable roof tying in at the rear. The dwelling will provide a lean to entrance porch to the front and a single storey outshoot section to the rear. The single storey extension will have a flat roof design with roof lantern and will project 2.5 metres out from the main building section. The depth of the two-storey element of the building will be 9.3 metres with the overall depth, including the single storey rear extension and the porch will be 13.3 metres. The overall footprint of the building will be 78 square metres.

The materials for the dwelling will be multi red facing brickwork, Marley Edgemere roof tiles with anthracite grey UPVC windows. The driveway will be block paving.

The proposal includes a 2 metre high close boarded boundary fence to the side of the proposed dwelling and the rear garden which will be set back a minimum of 2 metres from the footpath along Sledmere Drive with the driveway gates set back 5 metres from the footpath.

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

- a. The rear section of the main two-storey section of the building has been reduced by 1.5 metres from the initial submission.
- b. The rear elevation of the building has been amended to provide a lower gable roof design
- c. The boundary fence to the side has been set in from the footpaths along Fountains Drive and Sledmere Drive.

The application is supported by a Design and Access Statement.

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## **PLANNING HISTORY**

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The following applications have been submitted for the application site:-

M/FP/0352/12/P – Erection of 1no detached dwelling and garage, approved June 2012

M/FP/0614/15/P - Erection of 1no dormer bungalow with detached garage and landscaping (demolition of existing garage), refused July 2015. The reason for refusal were the scale and position within the plot in relation to the surrounding housing layout and built form creating an undue impact on the appearance and character of the area due to the prominent corner plot position.

M/FP/1345/15/P - Erection of 1no dormer bungalow with landscaping and boundary treatment (demolition of existing garage), approved by committee in February 2016.

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## PLANNING POLICY

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

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

### Middlesbrough Local Plan

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

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

### 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:

CS4 - Sustainable Development

CS5 - Design

DC1 - General Development

H11 - (Housing Strategy)

UDSPD - Urban Design SPD

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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There have been 42 objections received following the neighbour consultation and the site notice.

An objection comment has been received from the Councillor Eric Polano and Councillor Sheila Dean the local ward councillors.

Two support comments have been received from the host property at 20 Fountains Drive.

The objection comments are summarised as follows:-

### Amenity

- Loss of Privacy from the front elevation windows facing towards row of bungalows and particularly 1 Northwood and 15 Fountains Drive
- Overlooking issues from 2 storey property to the bungalows opposite, particularly from the first floor windows of the proposal given direct access into the bungalow windows
- Overbearing impact of 2 storey property on the neighbouring bungalows
- Loss of view
- Loss of light/shadowing impact
- Noise/Dust/mess from construction
- Impact on beauty and quietness of the area
- Will be looking out onto a brick wall

### Character and Appearance

- Extent of the build not in keeping with existing 1960's properties and bungalows

- Bungalows all along Sledmere Drive and to add a large four bedroomed property would be out of keeping
- Properties on the corner plots are open plan and set back from the pavement so not in keeping
- Scale, height and amount of brickwork on the side elevation with 1 window and a 6 foot fence is out of character with the area.
- Overdevelopment of the plot

#### Highways

- Reduced highway visibility on the corner plot so potential for serious traffic accident
- Off Road parking issues given the location of the drive for visitors/deliveries with being on a corner plot and opposite existing driveways
- Highways safety on a corner plot
- Witnessed several cars on the grass verge and knocking the highway signs/ tree on this corner
- Construction traffic impact and safety concerns
- No space for visitor parking with being on a corner plot
- On street parking on the corner plot create highway issues
- Children utilise this route on daily basis for school so pedestrian safety concerns
- Road already used as a cut through to Hall Drive and Tollesby Road creating existing additional traffic
- Issues already at the junction in winter with black ice

#### Drainage

- Potential impact on drainage and water run off with additional property and double driveway
- Ongoing issues with drainage/sewerage within the area which Northumbrian Water is aware of that remain outstanding.

#### Housing

- No requirement for additional housing in the area
- Already several properties within a mile radius which are up for sale
- Proposal should not have been put forward
- Smaller property on the land rejected

#### Consultation

- Lack of consultation from adjacent properties on Sledmere Drive

#### Residual Issues

- Devaluation of properties

#### Previous planning permissions

- 2 failed previous attempts for bungalows this is the most ridiculous

The objection comments were received from:-

- 1 Fountains Drive x 2 residents
- 5 Fountains Drive
- 6 Fountains Drive x 2 residents
- 8 Fountains Drive x 2 residents
- 10 Fountains Drive x 2 residents

- 15 Fountains Drive
- 16 Fountains Drive
- 18 Fountains Drive
- 19 Fountains Drive x 2 residents
- 21 Fountains Drive x 2 residents
- 23 Fountains Drive
- 24 Fountains Drive
- 26 Fountains Drive x 2 residents
- 14 Sledmere Drive x 2 residents
- 18 Sledmere Drive x 3 residents
- 19 Sledmere Drive x 2 residents
- 21 Sledmere Drive
- 25 Sledmere Drive
- 27 Sledmere Drive
- 1 North Wood
- 2 North Wood
- 3 North Wood x 2 residents
- 7 North Wood x 2 residents
- 10 North Wood x 2 residents
- 45 North Wood x 2 residents
- 86 Tollesby Road x 2 residents

Cllr Eric Polano (summarised)

Thank you for your update on the planning application. I believe I have received complaints from nearby residents, regarding the proposed building. In view of the fact that some residents are already complaining, I would suggest that the application is turned down. Thank you for your support in this case

Cllr Sheila Dean

I would like to voice my objections to the above planning application. Will you please keep me informed of its progress, and when it will be going to committee, as I would like to speak on behalf of the residents

Support comments from 2 residents at the host property at 20 Fountains Drive are summarised below :-

- Issues with anti-social behaviour on this corner area and previous boundary fence and planted trees resulted in complaints and so the fence was moved back and trees removed.
- Speed on road is 20mph and if drivers do not adhere to the limit other measures can be implemented.
- Build is within the building line of Fountains Drive and Sledmere Drive.
- Drainage issues were with construction of Oakwood Academy and relate to odd numbers on western side of Fountains Drive

The following comments have been received from the statutory consultees:-

MBC Highways

Development proposals seek to erect a single dwelling on a corner plot of open land at the junction of Fountains Drive and Sledmere Drive.

The plot of land in question falls outside of the public highway and is not owned by the authority. As such sightlines for vehicles at the junction cannot include this area of land as it is not under the control of the authority. The sightlines that are achievable, within the public

highway, are in accordance with national guidance and as such the construction of the dwelling will not have a detrimental impact on visibility nor highway safety.

Access and parking to the existing property (20 Fountains Drive) is to be taken from a new dropped vehicular crossing to Fountains Drive, which is acceptable and consistent with other properties in the locality. Access and parking to the proposed property utilises the existing vehicle crossing onto Sledmere Drive. Parking for both the existing and proposed dwelling is acceptable.

No highway objections are raised subject to a condition requiring car and cycle parking provision to be installed prior to occupation and informatives relating to providing a method of works statement and the installation of a dropped kerb access.

#### Cleveland Police Architectural Liaison Officer

In relation to this application, I recommend applicant actively seek to develop to accredited Secured By Design standards. Full guidance is available within the SBD Homes 2019 guide at [www.securebydesign.com](http://www.securebydesign.com). They can also contact me for any advice, input I can offer in relation to designing out opportunities for crime to occur.

#### Northern Gas Networks

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.

### **Public Responses**

Number of original neighbour consultations	15
Total numbers of comments received	29
Total number of objections	42
Total number of support	2
Total number of representations	0

Site notice posted – 21st May 2021

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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1. The main considerations with this proposal are the principle of the development, the impact on the character and appearance of the street scene, the impact on the privacy and amenity of the neighbouring properties and the impact on highway safety.

#### Principle of the development

2. The National Planning Policy Framework (revised July 2021) sets out the planning system's principle aim to contribute to the achievement of sustainable development through three overarching principles being economic, social and environmental. Development will be considered to be in-line with Local Plan policies but also taking into account local circumstances to reflect the character, needs and opportunities of an area.

3. The Council's Core Strategy Policies CS4 (Sustainable Development), CS5 (Design), DC1 (General Development) and Housing Local Plan Policy H11 (Housing Strategy) reflect the principles of the NPPF in term of the criteria for considering new housing development and is relevant to this proposal.
4. Policy CS4 requires each development to contribute to sustainable economic development principles by making the most efficient use of land. The application site is within walking distance of the Newham Bridge Primary School, Beverley School, Outwood Academy and the Saltersgill Avenue local centre and is within walking distance of major bus routes. The site is considered to be within a sustainable location and accords with Core Strategy Policy CS4.
5. Housing Local Plan Policy H11 promotes the need to increase the supply of housing to meet the aspirations of the economically active population, which consolidates and builds upon the success of popular neighbourhoods within the town. Policy H11 emphasises the need to ensure the quality of life is maintained through protecting high environmental quality of the area and any new development will be of a high quality and within an appropriate location.
6. The application site forms part of the current residential curtilage of the host property at 20 Fountains Drive. The principle of a residential dwelling on the site has been previously considered and approved through two separate planning applications in 2012 and 2016.
7. Within the existing street scene there is a mixture of house types with semi-detached and detached bungalows alongside semi-detached and detached two-storey properties. The proposed two-storey detached dwelling is considered to make a modest contribution to the existing housing supply. Having taken into consideration the context of the existing housing supply within the area, the location of the proposed dwelling is considered acceptable and is not considered to have a detrimental impact on the quality of the surrounding environment.
8. The location of the application site is the subject of previous planning approval for a residential dwelling and will provide a high quality dwelling of a scale which is considered to appropriate in this location. Therefore the proposal is considered to accord with the guidance set out in Housing Local Plan Policy H11 (Housing Strategy).

#### Character and appearance

9. The National Planning Policy Framework (NPPF) establishes that good design is a key to achieving sustainable development.
10. Paragraph 130 of the NPPF sets out that planning decisions should ensure developments 'function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development' and are 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping.'
11. Specifically within paragraph 130 of the NPPF reference is made to new development being 'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change' with a 'high standard of amenity for existing and future users.'
12. The Council's Core Strategy Policy CS5 (c) comments that all new development should secure a high standard of design and ensure that it is well integrated with the immediate and wider context. With Policy CS5 (f) requiring the quality of new development to enhance both the built and natural environment.

13. Within the immediate vicinity of the application site is a mixture of house types and designs. To the south along Fountains Drive are two-storey semi-detached properties with single storey garages to the side and directly opposite the application site are semi-detached bungalows along Fountains Drive and North Wood. To the north and north-east of the application site are semi-detached bungalows along Sledmere Drive. An area of open space is located to the north on the corner of Sledmere Drive and Fountains Drive.
14. The position of the dwelling within the plot will ensure the existing building lines along both Fountains Drive and Sledmere Drive are retained. The side elevation of the dwelling will be in-line with the front elevations of the bungalows to the east along Sledmere Drive and the front elevation of the dwelling will be in-line with the existing building line of the two-storey dwellings on the eastern side of Fountains Drive. Although the property is a detached dwelling rather than a semi-detached house type, the overall width of the dwelling is comparable to the widths of the existing semi-detached properties along Fountains Drive.
15. Objection comments have been received regarding the scale of the dwelling. Since the original submission the design of the proposed dwelling has been altered to reduce the scale of the dwelling to reflect the character and appearance of the existing two-storey dwellings along Fountains Drive. The proposed depth of the two-storey section of the dwelling has been reduced by 1.5 metres. The result is that the two-storey rear elevation projects only 2 metres beyond the original rear elevation of the properties at 20, 24 and 26 Fountains Drive.
16. Revisions to the rear elevation design provides a hipped roof detailing above the two-storey section of the building which extends the 2 metres beyond the neighbours rear elevation at 20, 24 and 26 Fountains Drive. This hipped roof detail with the lower ridgeline roof height will have the appearance when viewed from the street of a typical two-storey extension to the rear of an original two-storey property and therefore assist in being 'in keeping' with the predominant vernacular design of the street.
17. The single storey rear off shoot project across the full width of the dwelling, but has been limited to a projection length of 2.3 metres from the rear elevation. The scale of the single storey off-shoot and the modern design is considered to be appropriate in terms of the design of the proposed dwelling and the character of the existing street scene.
18. The design of the front elevation of the dwelling is considered to reflect the design of the semi-detached properties within Fountains Drive. A single storey lean to entrance porch detail is provided which is an existing characteristic of the two-storey properties along Fountains Drive with Marley Eternit Cedral Board detailing around the front elevation windows.
19. Objection comments have been made regarding the fact corner plots within the street are open plan and this would be of character with this current design layout. Despite the proposed dwelling resulting in the loss of some of the open grassed area to the side of the host property the overall scale and location of the dwelling within the plot has retained an area of open grass to the corner of the site preventing the proposed dwelling from dominating the character and appearance of the corner plot.
20. In terms of the boundary treatment, along Sledmere Drive there is an existing section of close boarded fence to the site of their detached garage which encloses the host properties garden area. The remainder of the corner junction of the site is open grass since the removal of the established trees. It is acknowledged that the proposal will

result in the loss of a proportion of the current open character on the corner of the junction. However, the proposed site plan shows the retention of a section of open grass area at the corner junction of the site with the front and side elevation of the dwelling.

21. Objection comments have been received that the two-storey dwelling will not be in keeping with the 1960's bungalows, however, as there is a mixture of house types within the immediate vicinity with two-storey semi-detached properties along Fountains Drive and semi-detached bungalows along both Fountains Drive and Sledmere Drive. The property will be visible from Sledmere Drive and the layout of the proposed dwelling has ensured the side elevation will be in-line with the existing front elevation of the bungalows along Sledmere Drive. Visually the proposed dwelling will appear as a continuation of the row of two-storey properties along Fountains Drive and is considered to be in keeping with the character and appearance of the street scene.
22. Objection comments have been received that the scale, height, amount of brickwork and lack of side elevation windows and 6 foot fence is out of character with the street scene and is overdevelopment. The side elevation of the proposed dwelling does include a door and window on the ground floor and window on the first floor. The proposed boundary fence is similar in terms of the location and design as the current rear/side boundary fence at the host property. The overall footprint of the dwelling will be approximately 78 square metres with the overall size of the plot itself being 325 square metres so in terms of the scale of the dwelling to the overall plot, the proposal is considered to not be overdevelopment.
23. An objection comment has referenced that a smaller property was previously rejected on the site. The planning history for the site includes a 2012 approval for a detached two-storey dwelling that fronted Sledmere Drive (appendix 1 approved plans). A subsequent detached dormer bungalow was refused in 2015 (Appendix 2). The reasons for refusal were due to the scale and position of the bungalow within the plot and due to the surrounding housing layout and built form the proposal was considered to have an undue impact on the appearance and character of the area due to the prominent corner plot position. A subsequent dormer bungalow application was then approved in 2015 which fronted Sledmere Drive (Appendix 3).
24. In terms of the scale of the previous proposals, the 2012 approved two-storey dwelling had a footprint of 62 square metres and the 2015 dormer bungalow approval had a footprint of 89.5 square metres. The current proposals has a footprint of 78 square metres so is smaller than the most recent 2015 dormer bungalow approval. Although the 2015 approval was for a dormer bungalow the overall ridgeline roof height was 5.9 metres with the proposed two-storey dwelling roof height being 6.9 metres. Given the scale of the existing two-storey dwellings within Fountains Drive and the previous approvals within the site, the scale of the proposed dwelling is considered to be acceptable.

#### Privacy and Amenity

25. Paragraph 130 (f) of the National Planning Policy Framework (NPPF) sets out that planning decisions should ensure developments 'promote health and well-being, with a high standard of amenity for existing and future users.'
26. Core Strategy Policy DC1 comments that all new development should consider the effects on the amenities of the occupiers of nearby properties both during and after completion.

27. Objections comments have been received regarding loss of privacy and overlooking to the properties directly opposite on Fountains Drive and to the rear of the application site on Sledmere Drive.
28. The application site is located on a corner plot with residential properties surrounding the site. The proposed dwelling will be orientated so the front elevation faces towards the semi-detached bungalows at 1 North Wood and 15 Fountains Drive. The front elevation windows of the proposed dwelling will be positioned 21.7 metres from 1 North Wood and 15 Fountains Drive. The separation distance that will remain between the habitable room windows accords with the 21 metre privacy guidance distance set out within the Council's Urban Design Supplementary Planning Document (UDSPD) and so there is considered to be no significant issues in terms of loss of privacy.
29. The ground floor bi-folding doors on the rear elevation will be located approximately 15.5 metres from the neighbour's side elevation door and window at 22 Sledmere and the first floor windows approximately 17.9 metres. The Council's UDSPD comments that a separation distance of 14 metres is considered acceptable in terms of primary windows that face towards side elevations. The proposal accords with the privacy distances set out in the Council's UDSPD.
30. The side elevation of the proposed dwelling will have a kitchen window and utility door on the ground floor and an en-suite window on the first floor that will face towards the front elevation of 29 Sledmere Drive and the side elevation of 18 Fountains Drive. A minimum separation distance of 37 metres will remain between the proposed windows and the neighbours at 29 Sledmere Drive and 18 Fountains Drive, which accords with the 21 metre privacy distance suggested in the Council's UDSPD.
31. The proposed dwelling will provide additional windows on the first floor rear elevation which will face towards the front garden area at 22 Sledmere Drive. The current front garden area at 22 Sledmere Drive is an open garden and not an enclosed private space so the impact on the privacy of the users of the front garden area is considered not to be significant. The first floor windows will be at an oblique angle to the rear garden area at 22 Sledmere Drive with no direct overlooking.
32. The front elevation windows and the rear windows and bi-folding doors of the proposed dwelling will not directly face any habitable room windows of the host property at 20 Fountains Drive. The proposed windows and doors will be at an oblique angle to the front and rear garden areas of the host property and are therefore considered not to have any significant impact on the privacy of the neighbour's at 20 Fountains Drive.
33. Objection comments have been received regarding the potential overbearing impact given the proposal is two-storey and the neighbouring properties are bungalows.
34. The proposed dwelling will introduce a new building on an area of current grass within an existing residential garden. The proposed dwelling will be sited to the north of an existing row of established semi-detached two-storey properties along Fountains Drive. The main two-storey front elevation of the proposed dwelling will be located in line with the existing front elevations of the two-storey properties along Fountains Drive. Providing the same separation distance of approximately 20.7 metres from the bungalows opposite as the existing properties located on the eastern side of Fountains Drive. Given the existing height and location of the two-storey properties on the eastern side of Fountains Drive, the proposed dwelling is considered not to have an overbearing impact on the bungalows opposite at 1 North Wood and 15 Fountains Drive.
35. The rear elevation of the dwelling will project towards the bungalow located to the rear of the application site at 22 Sledmere Drive. There will remain a minimum separation

distance of 15.5 metres from the rear elevation of the single storey extension and the side elevation of 22 Sledmere Drive. Given the separation distance which will be retained, the proposed dwelling is not considered to have a significant overbearing impact on the occupants of 22 Sledmere Drive.

36. In terms of potential overbearing impact on the host property, the two-storey elevation of the proposed dwelling will project 2 metres beyond the existing rear elevation of 20 Fountains Drive, with an additional single storey rear extension. The Council's UDSPD guidance considers two-storey extensions to the rear as being acceptable providing they are set in from the boundary. The rear of the proposed dwelling will project at two-storey 2 metres beyond the host properties rear elevation with the single storey extension projecting a further 2.3 metres. The overall projection length beyond the host properties original rear elevation is therefore considered to be acceptable with no overbearing impact.
37. Objection comments have been received in terms of loss of light and potential shadowing impact. The separation distance that will remain between the proposed dwelling and 1 North Wood, 15 and 18 Fountains Drive and 29 Sledmere Drive means there will be no significant impact in terms of loss of light or overshadowing. Consideration has been given to the closest bungalow at 22 Sledmere Drive located to the north-east of the application site. Taking into consideration the sun's orientation and the location of the dwelling there will be no significant loss of light or potential overshadowing to the occupants of 22 Sledmere Drive.
38. The proposed dwelling will be located to the north of the host property at 20 Fountains Drive with the side elevation being positioned 1 metre from the original side elevation of the host property. The location of the proposed dwelling and the sun's orientation means the impact in terms of loss of light to the property is considered not to be significant.
39. Objection comments have been received regarding the potential dust and noise from the construction of the dwelling. With the proposal being for a single dwelling and not involving any significant demolition works the impact in terms of dust is not considered significant. There will be some associated noise from the construction of a new dwelling, should the noise levels be prevalent outside of normal working hours then this would be a matter which could be addressed through environmental protection legislation rather than through planning legislation.

#### Highway Safety

40. The proposal will remove the existing driveway and detached garage that is accessed from Sledmere Drive and is positioned to the side of the host property at 20 Fountains Drive. The proposed driveway will be a double width with access gates set back approximately 5 metres from the pavement and accessed off Sledmere Drive and positioned towards the existing rear boundary fence.
41. The proposal will include providing a new driveway to the front of the host property at 20 Fountains Drive, which can be completed under permitted development without requiring planning permission.
42. Objection comments have been received relating to highway/pedestrian safety with the proposal being located on a corner plot and on a school route.
43. The Council's Highway officers have commented that the application site is located falls outside of the public highway and is not within the ownership of the Local Authority. With the land being outside of the control of the Local Authority the sightlines

for vehicles at this junction cannot include this area of land with it not being in the ownership of the Local Authority. However, the sightlines which are achievable, within the public highway, are in accordance with national guidance and as such the construction of the dwelling will not have a detrimental impact on visibility or highway safety.

44. The new access driveway of the proposed dwelling will be located towards the rear boundary of the application site with access from Sledmere Drive. The new access will be set further away from the junction of Fountains Drive and Sledmere Drive and will be positioned towards an existing driveway at 22 Sledmere Drive. The location of the proposed driveway and the parking provision provided is considered in highway terms to be acceptable.
45. Objection comments have been received regarding off street parking/ deliveries and construction traffic considering the corner plot location of the new dwelling. The proposed access and parking to the existing property at 20 Fountains Drive is to be taken from a new dropped vehicular crossing to Fountains Drive, which is consistent with other properties within the area and is considered to be acceptable. The proposed number of parking spaces provided for both the host property and the proposed dwelling accords with the guidance set out in the Tees Valley Design Guide. An informative will be placed on the decision requiring a dropped kerb access and a method of works statement to be provided for the development.
46. The parking provision provided for both the host dwelling and the proposed dwelling is considered to be acceptable and there are no highway objections, subject to a condition that prior to occupation of the new dwelling the parking provision for both properties is completed.

#### Residual Issues

47. Objection comments set out potential drainage issues with a double width driveway and highlight existing drainage/sewerage issues within the area which Northumbrian Water are aware of that remain outstanding. The double width driveway could be installed without planning permission providing it is permeable materials. The proposal will be conditioned to require the details of the driveway materials to be provided. Northumbrian Water have been consulted and raised no comments/objections to the proposal.
48. Objection comments have been received regarding the loss of view and the fact the views will be toward a brick wall. The loss of view is not a material planning consideration which can be considered as part of the application. Each of the proposed elevations of the property, except the elevation facing the host property at 20 Fountains Drive have doors and windows which will ensure a feature on the elevations rather than a solid featureless brick wall.
49. Objection comments have been received regarding the requirement for a new dwelling given the current levels of properties for sale in the area, however, this is not a material planning consideration. The reasoning for properties being for sale is unknown and the provision for properties as individual windfall sites is in line with the principles of national and local planning policy.
50. Objection comments relate to the lack of consultation on the proposal. There were 38 neighbours consulted on the application and a site notice placed opposite the site to provide wider publicity of the proposed development. Officers are satisfied with the level of consultation undertaken.

51. Comments have been received that the proposal will devalue the current properties in the area. The devaluation of properties is not a material planning consideration which can be considered.
52. Foul and surface water drainage will most suitably connect to the existing maintained drainage which existing properties connect to. The new dwelling will require a building regulation approval and these matters, in terms of suitable connection, will be dealt with under than legislation.

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## **RECOMMENDATIONS AND CONDITIONS**

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Approve with conditions

### **1. Time Period**

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

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

### **2. Approved Plans**

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

- a. Site Location plan drawing 2113/01 dated 15<sup>th</sup> April 2021
- b. Existing site location plan drawing 1213/02 dated 29<sup>th</sup> April 2021
- c. Proposed floor plans and elevation drawing 1213/04 REV B dated 23<sup>rd</sup> July 2021
- d. Proposed site plan drawing 1213/03 REV B dated 23<sup>rd</sup> July 2021

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

### **3. Materials- Samples**

Prior to the construction of the external elevations of the dwelling and the driveways, 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. 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), the building hereby approved shall be extended or

materially altered in external appearance in any way, including any additions or alterations to the roof, without planning permission being obtained from the Local Planning Authority.

Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based, to protect the visual amenity of the area and in the interests of resident's amenity having regard for policies CS4, CS5, DC1 and section 12 of the NPPF.

## **5. Car and Cycle parking**

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.

### **Reason for approval**

This application is satisfactory in that the design of the proposed dwelling accords with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraphs 186-187 of the NPPF. In addition, the bungalow accords with the local policy requirements (Policies CS5 & DC1 of the Council's Local Development Framework).

In particular the dwelling is designed so that its appearance is complementary to the existing properties and so that it will not have a detrimental impact on the amenity of any adjoining or nearby resident. The dwelling will not prejudice the appearance of the area and does not significantly affect any landscaping and there are considered to be no highway safety issues.

The application is therefore considered to be an acceptable form of development, fully in accordance with the relevant policy guidance and there are no material considerations which would indicate that the development should be refused.

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## **INFORMATIVES**

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### **Discharge of Condition Fee**

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

### **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.

### **Statutory Undertakers**

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

### **Contact Northern Gas**

The applicant must contact Northern Gas Networks directly to discuss requirements in detail. 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. We are advised that should diversionary works be required these will be fully chargeable.

### **Method of Works Statement**

A detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works should be submitted to the LPA for information purposes. Such a statement shall include at least the following information;

- a) a programme of works
- b) the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- b) where contractors will park
- c) where materials will be stored within the site
- d) measures employed to ensure no mud/debris is dragged out over the adjacent highway
- e) a jointly undertaken dilapidation survey of the adjacent highway.

### **Dropped Kerb – S184**

The permission hereby granted should not be construed as authority to work within the public highway. Highways consent is required for the creation/alteration of a dropped vehicle crossing under Section 184 of the 1980 Highways Act. Such works will need to be carried out at the applicant's expense by Middlesbrough Council approved contractors. The applicant is advised that prior to the commencement of works on site they should contact the Highway Authority (01642 728156)

### **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**

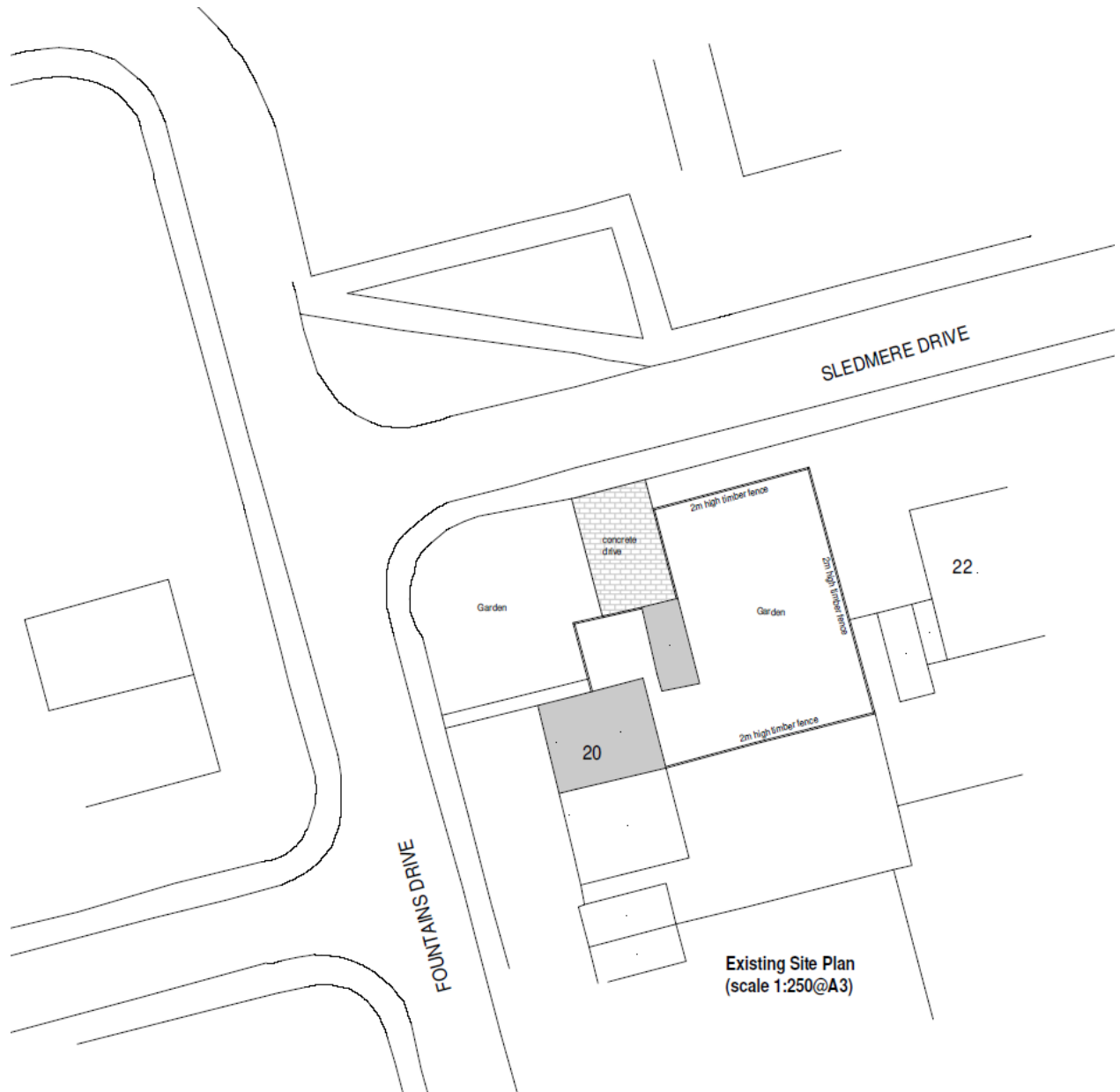
The applicant is reminded that it is the responsibility of anybody carrying out building work to ensure that mud, debris or other deleterious material is not deposited from the site onto the

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.

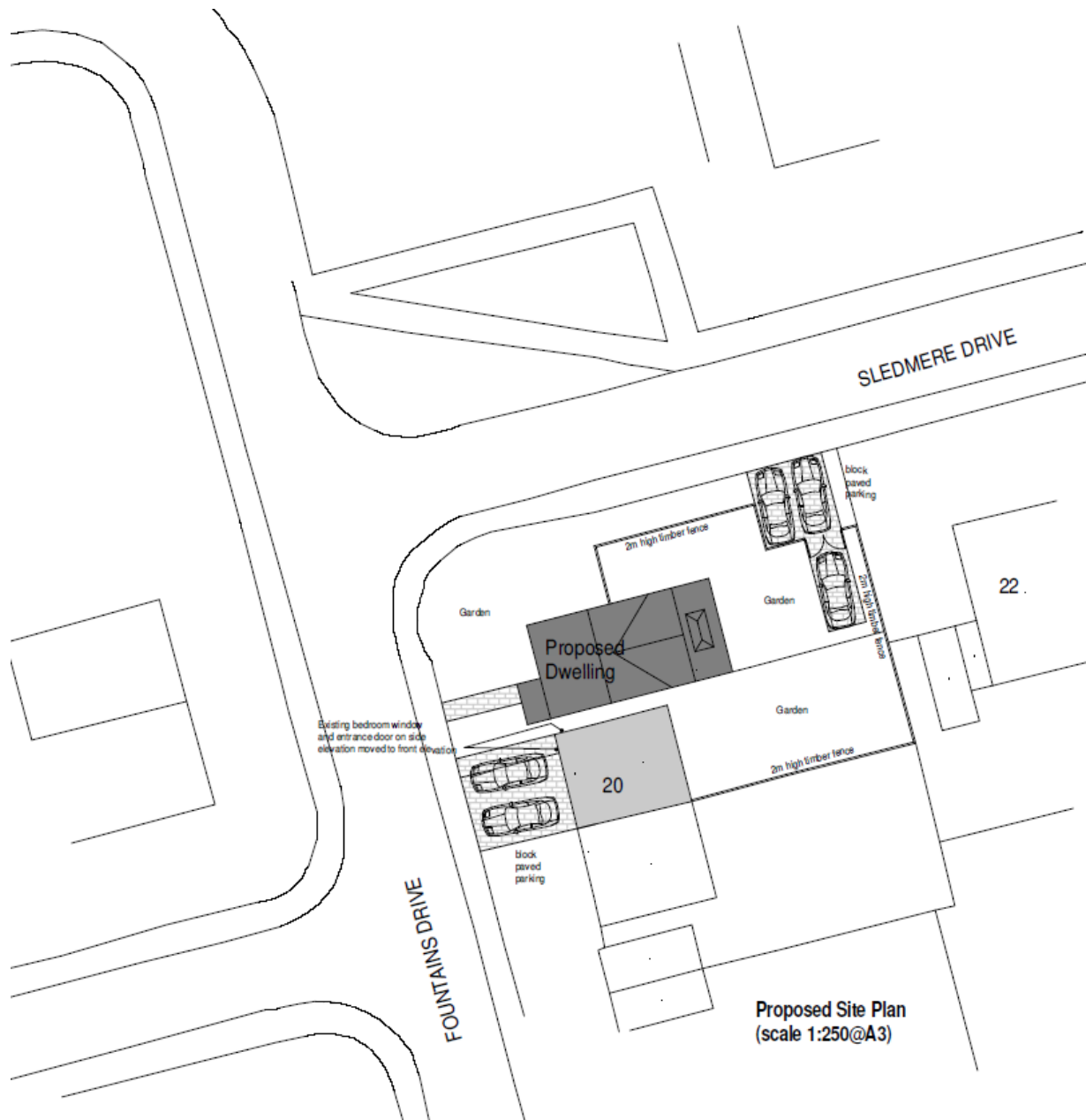
Case Officer: Debbie Moody

Committee Date: 10<sup>th</sup> September 2021

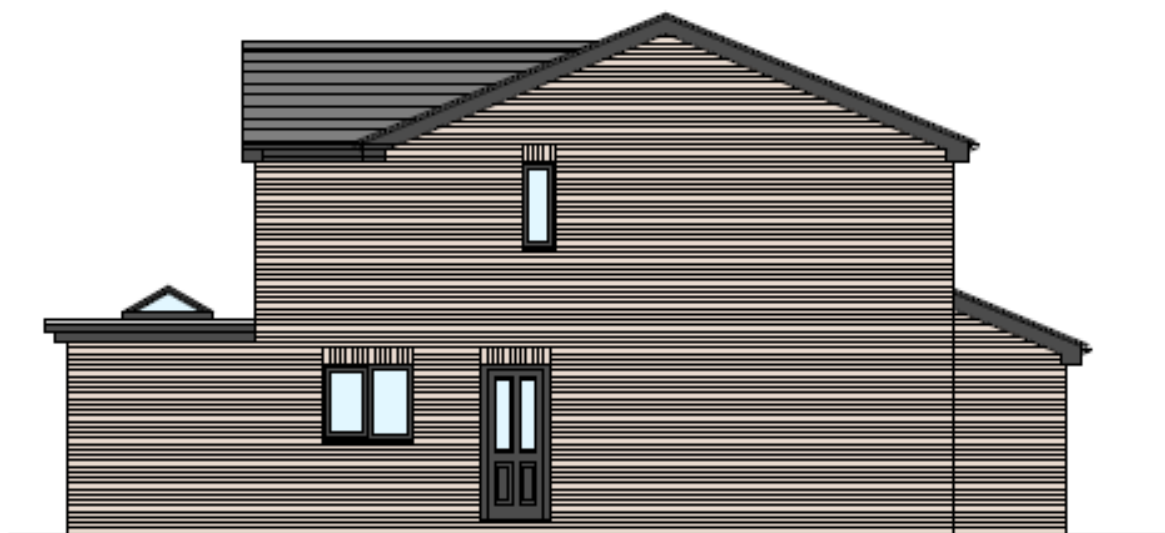
Appendix 1. Site location plan



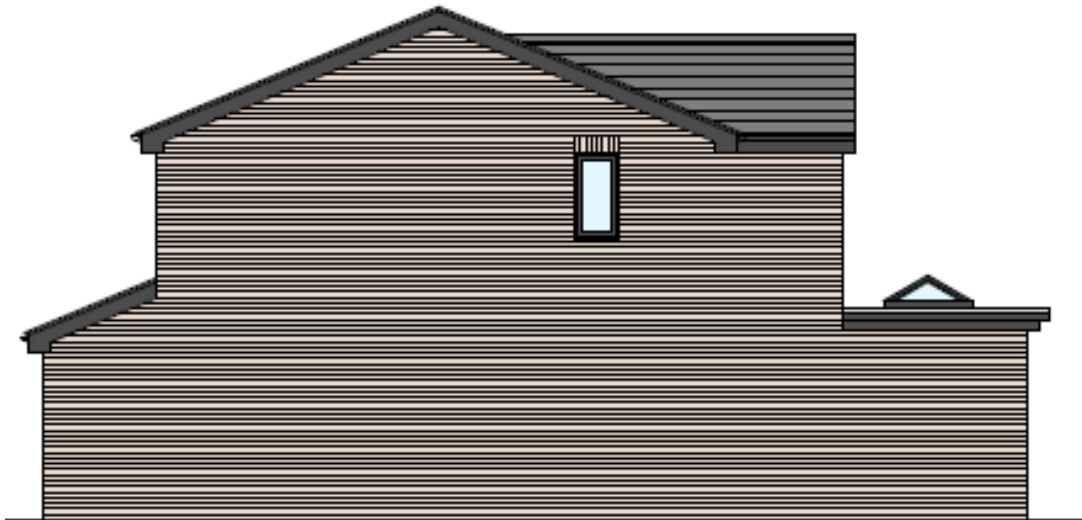
## Appendix 2: Proposed Site Layout



### Appendix 3. Proposed Elevations

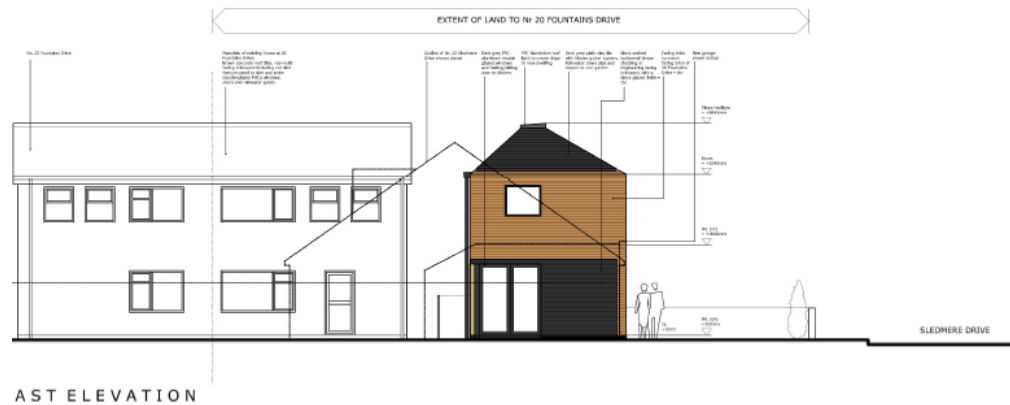
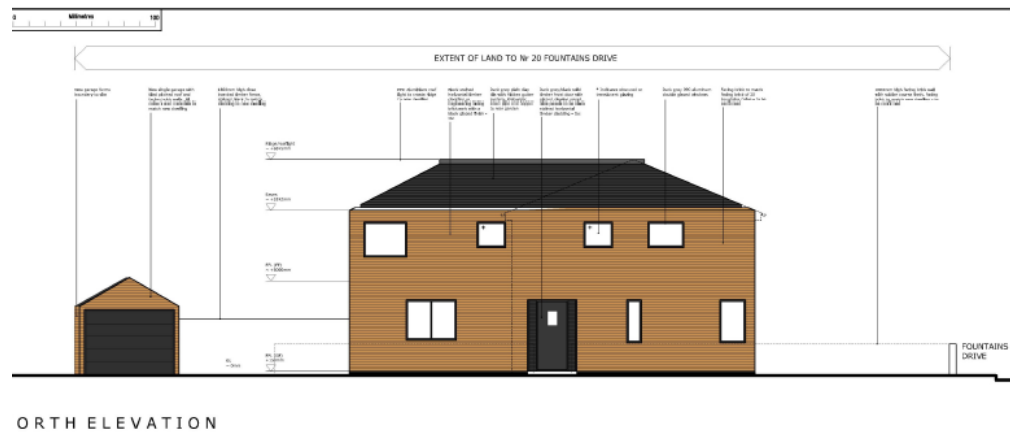
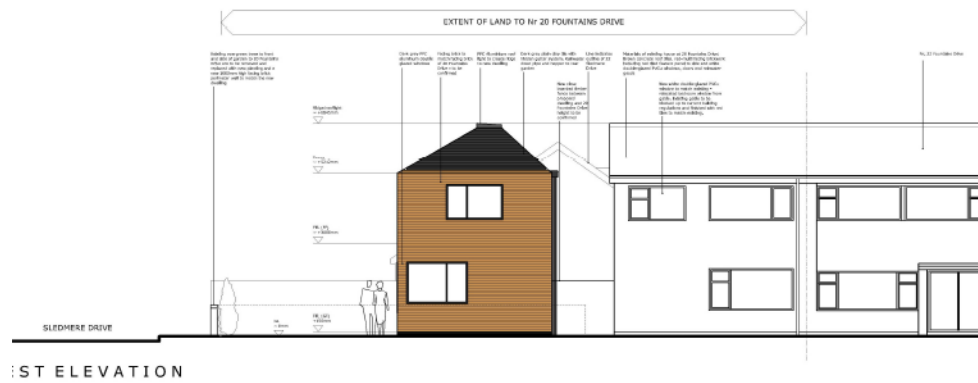
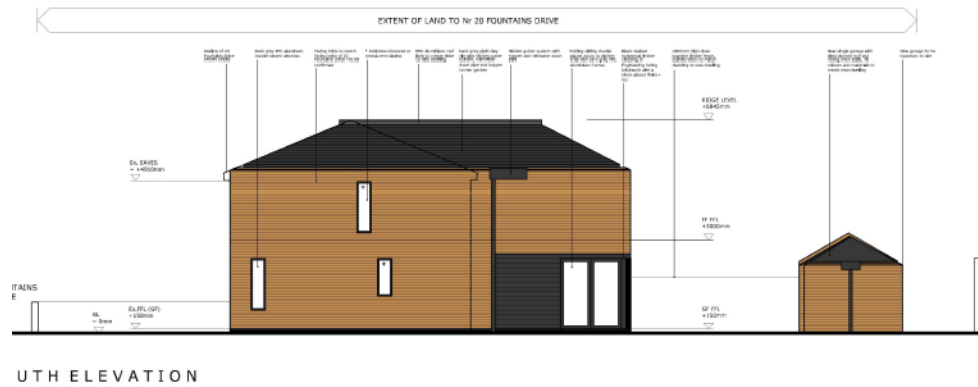


**Proposed N.W. Elevation**  
(scale 1:100@A3)

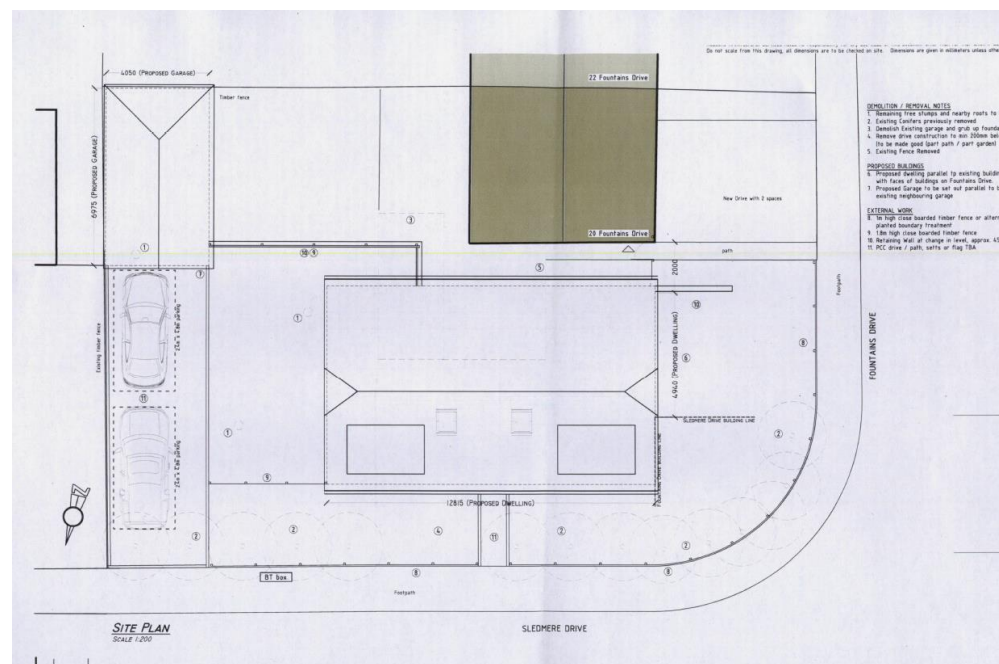
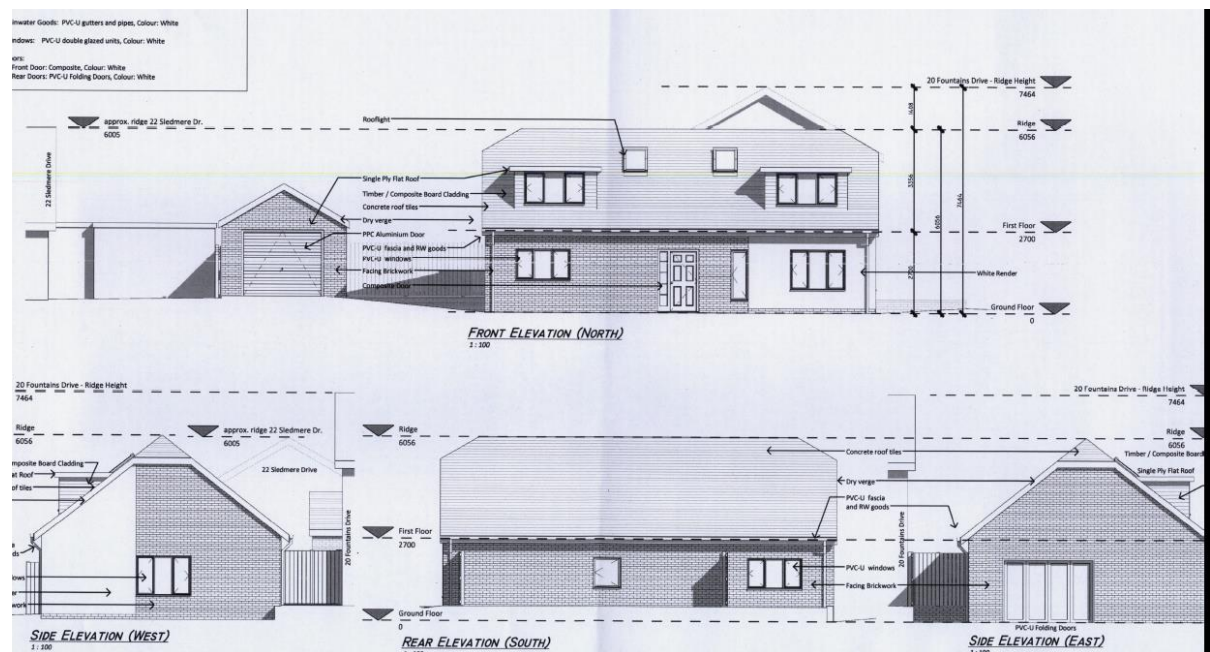


**Proposed S.E. Elevation  
(scale 1:100@A3)**

**Appendix 4**  
Details approved in 2012 Application.



The image contains two architectural renderings of a proposed house. The left rendering shows the 'SOUTH EAST' elevation, featuring a brick wall and a large window. The right rendering shows the 'NORTH WEST' elevation, featuring a gabled roof with dormers and a front porch. A street labeled 'SIDING DRIVE' is visible in the foreground of the right rendering.



Robsons Architectural Services holds no responsibility for any use made of this document other than for that which it was prepared and issued. Do not scale from this drawing, all dimensions are to be checked on site. Dimensions are given in millimeters unless otherwise stated.

## 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
19/0557/VAR  Central	Variation of condition 1 (Approved Plans) on application 18/0308/FUL to amend the layout of Plot 9 and the road link from phase 1 to phase 2  Unit 1 , Ferrous Road , Middlesbrough , TS2 1DJ	Approve with Conditions
20/0054/COU  Newport	Change of use of dwelling house to 2 self-contained flats  73 Ayresome Street , Middlesbrough , TS1 4NR	Approve with Conditions
20/0292/COU  Berwick Hills/Pallister	Change of use from retail (A1) to hot food takeaway (A5)  269 Cargo Fleet Lane , Middlesbrough , TS3 8EX	Approve with Conditions
20/0414/ADV  Berwick Hills/Pallister	Retrospective application for the erection of an internally illuminated fascia sign  269 Cargo Fleet Lane , Middlesbrough , TS3 8EX	Refuse and enforce

20/0500/FUL  Park	Substantial remodelling of existing property to form 2 storey house including increase in the roof height of the property to provide a first floor level including front and rear roof lights, two- storey extension to the front and new entrance porch, single storey rear extension and attached single storey garage to side. (Demolition of the existing single storey rear extensions and detached garage)  27 Cornfield Road , Middlesbrough , TS5 5QJ	Refused
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20/0509/FUL  Trimdon	Construction of an outdoor arena  Stainsby Grange Equestrian Centre , Low Lane , Middlesbrough , TS17 9AB	Approve with Conditions
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20/0539/FUL  Stainton And Thornton	Retrospective application for a single storey extension to rear  62 Cedarwood Glade , Middlesbrough , TS8 9DJ	Approve with Conditions
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20/0573/DIS  Longlands/Beechwood	Discharge of condition no 5 (Highway Works) on planning application 20/0153/FUL  Land At Beechwood , Middlesbrough , TS4 3EE	Full Discharge Conditions
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20/0681/DIS	Discharge of condition 19 (Replacement fencing) and condition 20 (Ecology Assessment) on planning application 20/0153/FUL  Land At Beechwood , Middlesbrough ,	Full Discharge Conditions
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20/0730/DIS	Discharge of condition 9 (Landscaping scheme), condition 10 (Landscape management plan), condition 16 (Disposal of foul and surface water scheme), condition 17 (Surface water drainage scheme) and condition 18 (Surface water drainage management plan) on planning application 20/0153/FUL  Land At Beechwood , Middlesbrough	Full Discharge Conditions
20/0735/FUL  Brambles/Thorntree	Residential development comprising 105 dwellings with associated works and access  Former Milford House, Portland House, Northfleet Avenue & Jupiter Court, Admirals Avenue , Middlesbrough	Approve with Conditions
21/0068/DIS	Discharge of condition 12 (Scheme of Renewables) on planning application 20/0153/FUL  Land At Beechwood , Middlesbrough	Full Discharge Conditions
21/0111/FUL  Nunthorpe	Single storey extension to rear  73 Sinderby Lane , Middlesbrough , TS7 0RP	Approve with Conditions
21/0137/FUL  Ayresome	Proposed two storey side extension and part single, part two storey extension at rear.  180 Acklam Road , Middlesbrough , TS5 4HA	Refused
21/0150/FUL  Kader	First floor and single storey extension to rear  389 Acklam Road , Middlesbrough , TS5 7HA	Approve with Conditions

21/0167/DIS  Central	Discharge of condition 3 (Replacement of windows) and condition 5 (Stud walls) on planning application 19/0342/LBC  Victoria Building , Victoria Road , Middlesbrough , TS1 3AP	Approve
21/0192/FUL  Central	Creation of outdoor food and beverage facility including the installation of shipping containers, raised boardwalk area, seating areas, canopies, outdoor screen, lighting columns, photovoltaic panels, 2.4 metre high fencing, bin store, and associated hard and soft landscaping  Middlesbrough College , Dock Street , Middlesbrough , TS2 1AD	Approve with Conditions
21/0195/FUL  Kader	Single storey extension at side and rear  9 Melbreak Grove , Middlesbrough , TS5 8PP	Approve with Conditions
21/0196/FUL  Marton West	Change of use from open space to residential curtilage (C3) and erection of boundary treatments  21 Thurlestone , Middlesbrough , TS8 9TA	Refuse and enforce
21/0221/FUL  Central	External render of the buildings.  165 Albert Road & 88-90 Borough Road , Middlesbrough , TS1 2PX	Approve with Conditions
21/0229/FUL  Park	Formation of replacement hard standing (driveway and parking area)  36 & 38 Beech Grove Road , Middlesbrough , TS5 6RF	Approve with Conditions

21/0244/FUL  Nunthorpe	Construction of a detached domestic outbuilding  35 Marton Moor Road , Middlesbrough , TS7 0BH	Approve with Conditions
21/0246/FUL  Park	Single storey extension to rear  67 The Avenue , Linthorpe , Middlesbrough , TS5 6QU	Approve with Conditions
21/0255/DIS	Discharge of condition Nos. 3 (Samples of Material), 4 (Boundary Walls & Fences), 5 (Refuse Stores), 6 (Cycle Stores), 7 (Access & Parking), 9 (Drainage), 10 (Validation Report), 11 (Noise Assessment), 12 (Highway Works), 13 (Method of Works Statement), 14 and 15 (Landscaping), and 17 (Fabric First/Renewables) of planning application 20/0198/FUL  Land At Lower East Street, Commercial Street And Durham Street , St Hilda's , Middlesbrough	Part Discharge Conditions
21/0260/FUL  Linthorpe	Single storey extension to rear  111 Roman Road , Middlesbrough , TS5 5QB	Approve with Conditions
21/0282/FUL  Central	Sub division of ground floor (Class E) to 4 separate units for mixed use as (Class E) & Drinking establishment (Sui Generis)conversion of first and second floors to create student accommodation comprising eleven one bed flats and one studio (sui generis)  124 - 130 Linthorpe Road , Middlesbrough , TS1 2JR	Approve with Conditions

21/0293/FUL  Central	Installation of 6no. stacked air conditioning condenser units on a concrete plinth enclosed by 2.4 m high palisade fencing  Unit 4 , Trident Business Centre , Startforth Road , Middlesbrough , TS2 1PY	Approve with Conditions
21/0299/FUL  North Ormesby	Change of use from storage use (B8) to scrap metal yard (sui generis) with associated container units and floodlighting  Land Off James Street , Middlesbrough , TS3 6LJ	Refuse and enforce
21/0315/FUL  Central	Change of use from retail to restaurant (E Class) and external alterations to the shop frontage and external flue to the rear  242 - 244 Linthorpe Road , Middlesbrough , TS1 3QP	Approve with Conditions
21/0323/ADV	Installation of internally illuminated signs, including 2 no. fascia signs, 2 no. hanging signs, 2 no. hoardings and 2 no. other signs  Lookers Volkswagen Teesside , Newport Road , Teesside , TS1 5HZ	Approve with Conditions
21/0336/TELPN	Proposed 20m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.  Site At The Junction Of Stainton Way And Dixons Bank, To The Rear Of Brindle Close , TS7 8PS	Deemed consent
21/0340/FUL  Central	Temporary sculpture at foot of Transporter Bridge  Transporter Bridge , Ferry Road , Middlesbrough , TS2 1PL	Approve with Conditions

21/0359/CLD  Park	Conversion of single dwelling into 2 flats  23 Gifford Street , Middlesbrough , TS5 6BP	Approve
21/0346/FUL  Park	Erection of front garden wall with gate posts, and re-surfacing to front and side.  4 Beech Grove Road , Middlesbrough , TS5 6RH	Approve with Conditions
21/0351/PNO	Demolition of 10 storey high-rise block comprising 54 flats, 1 single storey garage block comprising 10 garages, together with removal of surrounding roads, paths and hard surfaced areas as shown on the Jupiter Court Demolition Site Plan.  Jupiter Court , Admirals Avenue , Middlesbrough , TS3 8ET	Prior Notification Approved
21/0353/FUL  Marton West	First floor extension above existing garage & 2 storey side extension & replacement of render with cladding  45 Tollesby Lane , Marton , Middlesbrough , TS7 8JL	Approve with Conditions
21/0364/ADV  Berwick Hills/Pallister	Internally illuminated 3m high totem advertisement  Park Parade , Middlesbrough , TS3 7PA	Approve with Conditions
21/0411/FUL  Ladgate	Single storey extension to rear  36 Easterside Road , Middlesbrough , TS4 3QA	Approve with Conditions

21/0362/FUL  Marton West	Single storey extension to side (demolition of existing garage)  27 Cranbrook , Middlesbrough , TS8 9XH	Approve with Conditions
21/0373/PNH  Trimdon	Single storey extension to rear  18 Malltraeth Sands , Middlesbrough , TS5 8UH	Prior Notification Not Required/No Obj
21/0365/TPO  Marton East	Lateral reduction of 1 no. Pine and 1 no. Conifer, crown lifting of 1 no. Sycamore and 1 no. Cedar, pruning and removal of crossing branches of 1 no. Sycamore, removal of 6 no. Conifer and 1 no. other tree in rear garden  87 The Grove , Marton , Middlesbrough , TS7 8AN	Approve
21/0366/TELPN	Proposed 18.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.  Ormesby Road , Berwick Hills , Middlesbrough , TS3 7SF	Prior Notification Approved
21/0371/FUL  Marton West	Two storey side extension & single storey extensions to front & rear with formation of two additional car parking spaces.  20 Canberra Road , Middlesbrough , TS7 8EX	Refused
21/0376/COU  Linthorpe	Change of use from bed and breakfast to residential  23 Burlam Road , Middlesbrough , TS5 5AN	Approve with Conditions

21/0377/COU  North Ormesby	Conversion of a single terrace dwelling into 2 self contained 1 bedroom flats  15 Beaumont Road , Middlesbrough , TS3 6NL	Approve with Conditions
21/0379/TPO  Nunthorpe	Crown raise 1no Pine and 4no Beech trees in rear garden and crown raise four sycamore trees in the front garden and remove deadwood  21B Moor Park , Middlesbrough , TS7 0JJ	Approve
21/0384/FUL  Coulby Newham	Single storey extension to rear  30 Comfrey , Middlesbrough , TS8 0XT	Approve with Conditions
21/0389/FUL  Acklam	Two storey extension to rear and single storey extension to rear and side  56 Ullswater Avenue , Middlesbrough , TS5 7DL	Approve with Conditions
21/0392/COU  Berwick Hills/Pallister	Change of use to local enterprise centre  Berwick Hills Branch Library , Crossfell Road , Middlesbrough , TS3 7RL	Approve with Conditions
21/0387/FUL  Acklam	Two storey extension to the side, single storey extension to the front (with canopy) and single storey extension to the rear  10 North Wood , Middlesbrough , TS5 7LN	Approve with Conditions
21/0390/FUL  Acklam	Single storey side/rear extension  16 Benton Road , Middlesbrough , TS5 7PQ	Approve with Conditions

21/0391/FUL	Alterations to the existing undercroft car park elevations to include new ventilation grilles to match existing, installation of new automated vehicle and pedestrian entrance gates and ground levelling works in front of the north elevation  Clarendon Building , Teesside University , Clarendon Road / Southfield Lane , Middlesbrough , TS13BX	Approve with Conditions
21/0395/ADV  Central	3 internally illuminated (individually located letter signs) 1 internally illuminated projecting sign  112 Linthorpe Road , Middlesbrough , TS1 2JR	Approve with Conditions
21/0397/AMD  Kader	Non material amendment to planning application M/FP/0746/16/P to vary roof design over single storey extension to side  457 Acklam Road , Middlesbrough , TS5 7HB	Approve
21/0398/AMD  Acklam	Non material amendment to planning application 19/0732/FUL for minor alterations to outbuilding to include detachment of outbuilding from boundary wall.  45 Church Drive , Middlesbrough , TS5 7DU	Approve
21/0402/FUL  Marton East	Single storey rear extension and formation of a new entrance door  1 Pease Gardens , Middlesbrough , TS4 3SN	Approve with Conditions
21/0404/FUL  Ayresome	Single storey front and rear extensions including alterations to existing car port and formation of two additional car parking spaces  97 Chalford Oaks , Middlesbrough , TS5 8QQ	Approve with Conditions

21/0405/FUL	Installation of 2.4m high fencing around greenkeepers compound	Approve with Conditions
Marton West	Middlesbrough Golf Club , Brass Castle Lane , Middlesbrough , TS8 9EE	

21/0406/TELPN	Installation of 15m high telecommunication mast with wrap around cabinet, 3No.equipment cabinets and associated equipment	Prior Notification Refused
	Woodlands Road , Middlesbrough , North Yorkshire , TS1 3EZ	

21/0409/AMD	Non material amendment to planning application 19/0262/VAR for minor alterations to elevations and roof type and repositioning of a garage	Approve
	Robertson Homes Develeoment , Grey Towers , Nunthorpe , Middlesbrough , TS7 0PW	

21/0410/FUL	Single storey extension to rear and side	Approve with Conditions
Coulby Newham	5 Woodvale , Middlesbrough , TS8 0SH	

21/0412/PNH	Single storey extension to rear	Prior Notification Not Required/No Obj
Kader	496 Acklam Road , Middlesbrough , TS5 8BD	

21/0413/FUL	Single storey extension to side	Approve with Conditions
Ladgate	14 Trigo Close , Middlesbrough , TS7 8RW	

21/0414/FUL  Nunthorpe	Single storey rear extension & construction of detached building to form a home office  15 Fencote Grange , Middlesbrough , TS7 0AU	Approve with Conditions
21/0415/FUL  Ayresome	Single storey side extension  33 Farley Drive , Middlesbrough , TS5 8QT	Approve with Conditions
21/0417/FUL  Nunthorpe	Single storey extension to front/side/roof of existing garage  32 Clevegate , Middlesbrough , TS7 0LN	Approve with Conditions
21/0421/FUL  Nunthorpe	Erection of balcony at rear  12 High Gill Road , Middlesbrough , TS7 0DZ	Approve with Conditions
21/0420/FUL  Nunthorpe	First floor extension to side with Juliet Balconies and new window to rear.  7 Innes Court , Wyke Lane , Middlesbrough , TS7 0GH	Approve with Conditions
21/0423/FUL  Ladgate	Single storey extension to side  21 Larkspur Road , Middlesbrough , TS7 8RL	Approve with Conditions
21/0429/FUL  Park	Revised application for demolition of existing conservatory and construction of a single storey rear extension  81 Park Road South , Middlesbrough , TS5 6LE	Refused

21/0424/TELFUL  Longlands/Beechwood	Installation of a replacement 20m streetpole supporting 6no antennas and remote radio units with the installation of a replacement cabinet and ancillary development  Marton Road , Middlesbrough , TS4 3BS	Approve with Conditions
21/0425/TELFUL  Newport	Installation of a replacement 20m column supporting 6no antennas GPS module and 3no remote radio units with replacement equipment cabinet and ancillary development  Land Adjacent Linthorpe Cemetery , Ayresome Green Lane/Acklam Road , Middlesbrough	Approve with Conditions
21/0426/FUL  Park	Single storey extension to rear  3 Sycamore Road , Middlesbrough , TS5 6QX	Approve with Conditions
21/0430/ADV  Park	Replacement of existing 48-sheet poster advertisement display with illuminated 48-sheet D-Poster advertisement display.  431 Linthorpe Road , Middlesbrough ,	Approve with Conditions
21/0431/FUL  Park	Replacement of existing windows  406 Linthorpe Road , Middlesbrough , TS5 6HF	Approve with Conditions
21/0435/TPO  Marton East	Crown reduction and crown lifting of 2no Cypress trees  34 Marton Avenue , Middlesbrough , TS4 3SQ	Approve

21/0434/FUL  Marton West	Two single storey side extensions and formation of a new vehicular access  23 Tollesby Lane , Marton , Middlesbrough , TS7 8JQ	Approve with Conditions
21/0436/FUL  Longlands/Beechwood	Single storey extension to existing care home  35 Longlands Road , Middlesbrough , TS4 2JS	Approve with Conditions
21/0439/FUL  Marton East	Single storey side extension (demolition of existing conservatory).  32 Marton Avenue , Middlesbrough , TS4 3SQ	Approve with Conditions
21/0440/DIS  Central	Discharge of condition 8 (Boundary Treatment, Site Plan and External Works Site Setting Out) on planning application 19/0203/FUL  Land Off Sussex Street And Gosford Street , Middlesbrough	Approve
21/0445/PNH  Linthorpe	Single storey extension to rear  25 Fairfield Avenue , Middlesbrough , TS5 5HB	Permitted Development
21/0442/FUL  Linthorpe	Two storey extension to side  5 Cranage Close , Middlesbrough , TS5 5HN	Approve with Conditions
21/0444/FUL  Marton West	Single storey extension to side (demolition of detached single garage)  228 Eagle Park , Middlesbrough , TS8 9QS	Approve with Conditions

21/0448/TELPN	Erection of 20m monopole with cabinet at base and associated ancillary works  Cargo Fleet Lane , Berwick Hills , Middlesbrough , TS3 8DE	Prior Notification Refused
21/0449/FUL  Linthorpe	Single storey side extension  30 Thornfield Road , Middlesbrough , TS5 5DE	Approve with Conditions
21/0451/PNH  Kader	Single storey extension to rear  45 Malvern Drive , Middlesbrough , TS5 8JD	Prior Notification Not Required/No Obj
21/0454/COU  Brambles/Thorntree	Change of use of the massage parlour (sui generis) to education provision (F1 class use)  43A Marshall Avenue , Middlesbrough , TS3 9AX	Approve with Conditions
21/0463/PNH  Ayresome	Single storey extension to rear  41 Farley Drive , Middlesbrough , TS5 8QT	Prior Notification Not Required/No Obj
21/0456/FUL  Acklam	First floor extension to side and rear  53 Glendale Road , Middlesbrough , TS5 7QE	Refused
21/0458/FUL  Park	Two storey and single storey extension to rear  36 Harrogate Crescent , Middlesbrough , TS5 6PS	Approve with Conditions

21/0460/FUL  Linthorpe	Single storey extension to rear  23 Wroxton Close , Middlesbrough , TS5 7AF	Refused
21/0464/PNH  Longlands/Beechwood	Single storey extension to rear  24 Hutton Road , Middlesbrough , TS4 2LE	Prior Notification Approved
21/0468/PNH  Kader	Single storey extension to rear  14 Malvern Drive , Middlesbrough , TS5 8JB	Prior Notification Not Required/No Obj
21/0470/FUL  Marton East	Single storey extension to garage to form a habitable room  74 Scholars Rise , Middlesbrough , TS4 3RP	Approve with Conditions
21/0471/TELPN	Erection of 20m monopole with cabinet at base and associated ancillary works.  Diamond Road , Gresham , Middlesbrough , Linthorpe , TS1 4AA	Prior Notification Refused
21/0472/FUL  Newport	Dormer extension to front and rear  Flat 2 , 122 Crescent Road , Middlesbrough , TS1 4QT	Approve with Conditions
21/0473/FUL  Coulby Newham	Retrospective conservatory at rear  55 Foxgloves , Middlesbrough , TS8 0XA	Approve with Conditions
21/0476/PNH  Linthorpe	Single storey extension to rear  123 Green Lane , Middlesbrough , TS5 7AD	Prior Notification Not Required/No Obj

21/0477/PNH  Linthorpe	Single storey extension to rear  163 Acklam Road , Middlesbrough , TS5 5QH	Prior Notification Not Required/No Obj
21/0474/FUL  Linthorpe	Single storey extension to rear (demolition of existing extension)  15 Clepstone Avenue , Middlesbrough , TS5 5LL	Approve with Conditions
21/0482/AMD  Marton East	Non material amendment to planning approval 21/0278/FUL to alter ground floor rear window/door details  42 Captain Cooks Crescent , Middlesbrough , TS7 8NW	Approve
21/0483/FUL  Longlands/Beechwood	Porch extension to front and single/two storey extension to rear  323 Marton Road , Middlesbrough , TS4 2NX	Approve with Conditions
21/0484/FUL  Coulby Newham	Single storey extension to rear (including a rear canopy)  10 Comfrey , Middlesbrough , TS8 0XT	Approve with Conditions
21/0485/TCA  Park	Removal of diseased limb and reduction of Ash tree to front  Robertswood , 49 Park Road South , Middlesbrough , TS5 6LE	Approve

21/0487/LBC  Central	Various works including removal of the existing floor, wall and ceiling finishes within the passenger toilets, removal of existing sanitaryware and removal of dividing partition with proposed installation of new floor, wall and ceiling finishes.  Middlesbrough Railway Station , Zetland Road , Middlesbrough , TS1 1EG	Approve with Conditions
21/0488/TCA  Linthorpe	Removal of 10no. Poplar trees in rear garden  71 Cambridge Road , Linthorpe , Middlesbrough , TS5 5NL	Approve
21/0491/FUL  Nunthorpe	Single storey rear infill extension  1 Aldwalk Close , Middlesbrough , Nunthorpe , TS7 0DE	Approve with Conditions
21/0492/FUL  Nunthorpe	Single storey rear infill extension  2 Aldwalk Close , Middlesbrough , Nunthorpe , TS7 0DE	Approve with Conditions
21/0495/FUL  Park	Two rear dormer extensions  67 The Avenue , Linthorpe , Middlesbrough , TS5 6QU	Approve with Conditions
21/0497/FUL  Ayresome	Single storey extension to rear  234 Acklam Road , Middlesbrough , TS5 8AA	Refused
21/0506/FUL  Kader	Conversion of workshop to habitable room & erection of detached outbuilding to rear  36 Hall Drive , Middlesbrough , TS5 7EP	Approve with Conditions

21/0508/FUL  Kader	Part single storey, part two storey extension to side/rear and formation of two additional car parking spaces  6 Lodore Grove , Middlesbrough , TS5 8PA	Refused
21/0509/AMD  Acklam	Non material amendment to planning application 19/0498/FUL to create additional space with the relocation of windows and door  9 Britain Avenue , Middlesbrough , TS5 7AT	Approve
21/0515/PNH  Park End/Beckfield	Single storey extension to rear  237 Overdale Road , Middlesbrough , TS3 0BX	Prior Notification Not Required/No Obj
21/0518/PNH  Newport	Single storey extension to rear  157 Crescent Road , Middlesbrough , TS1 4QT	Prior Notification Not Required/No Obj
21/0523/FUL  Acklam	Two storey extension to side (plus new window and door in the original dwelling)  66 Tollesby Road , Middlesbrough , TS5 7PR	Approve with Conditions
21/0529/TELFUL  Hemlington	Installation of replacement 20m monopole with 6no. antennas and 2no. 0.3mm dishes with the replacement cabinets and ancillary development  Land Adjacent Viewley Centre Car Park , Viewley Centre Road , Middlesbrough ,	Approve with Conditions
21/0533/FUL  Longlands/Beechwood	Single storey extension to rear  18 Trenholme Road , Middlesbrough , TS4 2JX	Refused

21/0539/TCA  Linthorpe	Removal of 2 no. Apple trees in rear garden  46 Thornfield Road , Middlesbrough , TS5 5DB	No Objections
21/0610/TCA  Marton East	Removal of 1 no. conifer and 1 no. purple-leaved plum and crown reduction of 1 no. conifer  15 The Grove , Marton , Middlesbrough , TS7 8AB	No Objections
21/0615/AMD  Kader	Non material amendment to planning approval 21/0355/FUL to change materials  22 Yearby Close , Middlesbrough , TS5 8NA	Approve

31 August 2021

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## Appeal Decision

Site visit made on 5 May 2021

**by C Coyne BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1<sup>st</sup> June 2021**

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**Appeal Ref: APP/W0734/W/21/3268432**

**103 Roman Road, Linthorpe, Middlesbrough TS5 5PH**

- 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 Sajay Ahmed against the decision of Middlesbrough Borough Council.
  - The application Ref 20/0534/FUL, dated 9 September 2020, was refused by notice dated 15 December 2020.
  - The development proposed is described on the application form as 'erection of two storey rear extension and single storey rear extension'.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Council have described the development as 'Two storey and single storey extensions to rear'. I note that the appellant has also utilised this description on their appeal form. I consider that this revision provides a succinct and accurate description of the proposal and I have therefore determined the appeal on this basis.
3. The appellant has submitted the following additional plans: Appendix 4 Amended Drawing as part of the appeal. This drawing shows amendments that amount to material changes to the original planning application as submitted to the Council. Annex M of the Planning Appeals Procedural Guide – England advises that the appeal process should not be used to evolve a scheme. It is important that what I consider is essentially what was considered by the local planning authority and on what interested parties' views were sought. If I were to determine the appeal based on the revised plans it is possible that the interests of parties who might wish to comment would be prejudiced. For the avoidance of doubt, I have therefore determined the appeal on the basis of the plans which were before the Council when it made its decision.
4. In accordance with the statutory duty set out in section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('The Act') I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Linthorpe Conservation Area.

## Main Issues

5. The main issues are:

- the effect of the proposed development on the character and appearance of the area having particular regard to this part of Roman Road and with reference to the Linthorpe Conservation Area (CA); and
- the effect of the proposed development on the living conditions of neighbouring occupiers having regard to matters of outlook and light.

## Reasons

### *Character and Appearance*

6. The appeal property is a two-storey terraced dwelling with a small front garden and larger yard to the rear. It also has an existing two storey extension to the rear and a small single-storey outbuilding in its back yard. All the properties on the terrace to which the appeal property belongs have similar two-storey rear extensions. These extensions do not cover the entire width of the rear elevations of their respective host properties and therefore form double-breasted two-storey offshoots with gaps between them. From what I observed on my site visit all these pairings of two-storey offshoots on this part of Roman Road project the same distance backwards meaning that the rear elevations of each of the properties comprising the pairings are 'flush' in relation to each other. The terrace is situated within a predominately residential area with most properties within it comprising two-storey terraced or semi-detached dwellings.
7. The proposal would extend the existing two storey rear extension to no. 103 approximately 3 metres further to the rear with an additional single storey element projecting approximately 4 metres further than this where it would meet the existing single storey outbuilding in the back yard. A good number of on the terrace also have single storey rear extensions in addition to their two-storey rear extensions meaning that a significant proportion of their back yards have been built on. Consequently, the proposal's single storey element would not necessarily look out of place.
8. However, even though the proposal's materials would match the host property and its generic design would be similar to it, the fact that the two storey element of the proposal would project a good distance past the rear elevation of its adjacent 'paired' neighbouring offshoot means that it would be at odds with the established pattern of development on this part of Roman Road. As a result, it would represent a discordant addition to the back of the terrace thereby having an adverse visual impact in this regard.
9. The significance of the CA derives from its high-quality suburbs with areas of planned architectural consistency. The traditional dwellings on this part of Roman Road make a positive contribution to this significance and I note that the Council's Conservation officer has not raised an objection to the proposal concluding that it should sustain the significance of the CA as its design is guided by the host dwelling with its materials matching it. However, even so, while the proposal may not harmfully detract from the setting or significance of the wider CA this does not necessarily mean that it would not harm the character or appearance of the area or the CA itself on this part of Roman Road.

10. I acknowledge that the existing two storey rear paired offshoot to nos. 105 and 107 projects slightly beyond that of the appeal property and no. 101. However, neither of their respective extensions that form part of that paired offshoot project further outwards than the other.
11. I also acknowledge that the proposal would not be visible from the public highway. However, it would nonetheless be visible from the back alley and the rear windows of the other properties in the area. In any event just because a proposal cannot readily be viewed from the highway to the front does not obviate the obligation to ensure that it would be well designed.
12. I therefore conclude that while the proposal would have a neutral impact on the setting and significance of the CA as a whole, it would nevertheless materially harm the character and appearance of the area, having particular regard to this part of Roman Road. As a result, I also conclude that it would also not be consistent with the preservation of the character or appearance of the CA. Accordingly, the proposal would fail to meet the requirements of policies DC1 and CS5 of the adopted Middlesbrough Core Strategy (MCS).

### *Living Conditions*

13. The proposal would extend the host property a further 3 metres to the rear at first-floor level. Given the orientation of the properties and the fact that there is a first-floor bedroom window on the rear elevation of no. 101, which is also close to the mid-point of the paired two-storey offshoot, the proposal would lead to an unacceptable loss of outlook and light to this window. Additionally, as the proposal would have a first-floor bedroom window on its side elevation, it would also lead to an unacceptable loss of privacy to the rear amenity space of no. 105. I note that it is proposed to fit obscure glazing to this window to mitigate any adverse impact. However, given that this would be the only window for this bedroom, this would neither be a practical nor reasonable solution.
14. I therefore conclude that the proposal would materially harm the living conditions of neighbouring occupiers having regard to matters of outlook and light. As a result, it would fail to meet the requirements of policies DC1 and CS5 of the MCS as supported by the adopted Urban Design Supplementary Planning Document. It would also conflict with paragraph 127 of the National Planning Policy Framework.

### **Other Matters**

15. The appellant has also cited other similar proposals within the wider area. However, none of these appear to be on the terrace or part of Roman Road to which the proposal belongs. I also do not have the full details of these schemes before me so cannot be sure that they are directly comparable to the appeal scheme which I have determined on its own merits. In any event, the existence of other similar developments in the locality does not alter or outweigh my findings in respect of the main issues above.

### **Conclusion**

16. The proposal does not accord with the relevant development plan for the area and there are no material considerations which indicate a decision otherwise than in accordance with it. It would also conflict with national policy. Accordingly, and for the reasons set out above I conclude that the appeal should be dismissed.

*C Coyne*

INSPECTOR

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## Appeal Decision

Site Visit made on 1 June 2021

**by F Wilkinson BSc (Hons), MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14<sup>th</sup> June 2021**

**Appeal Ref: APP/W0734/W/21/3268549**

**2 Newport Crescent, Middlesbrough TS1 5EP**

- 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 Asad Shahzad of Ariston Pizzas against the decision of Middlesbrough Council.
- The application Ref 20/0629/COU, dated 16 October 2020, was refused by notice dated 19 January 2021.
- The development proposed is described as "proposed change of use from shop A1 [E(a)] to hot food takeaway A5 [sui generis] – contemporary fish and chip shop".

### Decision

1. The appeal is allowed and planning permission is granted for a change of use from retail A1 [E(a)] to hot food takeaway A5 (sui generis) at 2 Newport Crescent, Middlesbrough TS1 5EP in accordance with the terms of the application, Ref 20/0629/COU, dated 16 October 2020, subject to the conditions in the attached Schedule.

### Preliminary Matters

2. The description of development in the banner heading is taken from the application form. The description of development used by the Council is "change of use from retail A1 [E(a)] to hot food takeaway A5 (sui generis)". I consider that this more accurately describes the proposed development and it is the description that I have used in my decision. This description of development includes reference to the Use Class of the shop as it was prior to changes that took place on 1 September 2020<sup>1</sup>.
3. The applicant was Asad Shahzad of Ariston Pizzas. The applicant has confirmed that authority to make the appeal on his behalf has been given to Mr Zarar Gulbahar.

### Main Issue

4. The main issue is the effect of the proposed development on the retail function of the town centre.

### Reasons

5. The appeal property is a vacant 2 storey commercial property located within the town centre and is the end property in a block of 3 commercial properties. Other units in the vicinity include shops, cafes and restaurants, drinking establishments and professional services.

<sup>1</sup> Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

6. Policy CS13 of the Middlesbrough Local Development Framework Core Strategy 2008 (the Core Strategy) seeks to encourage retail, commercial and leisure developments within the town centre of an appropriate type and scale commensurate with its current scale and function and to safeguard the retail character and function of centres by resisting developments that detract from their vitality and viability, amongst other matters. Policy REG20 of the Middlesbrough Local Development Framework Regeneration Development Plan Document 2009 (the Regeneration DPD) also seeks to protect the retail function of the town centre. Policy REG20 of the Regeneration DPD identifies a number of principal use sectors, including a retail sector which includes the primary retail area. From the evidence presented, the appeal property is located within the retail sector.
7. The Council's Interim Hot Food Takeaway Policy 2020 (the Interim Policy) identifies that under national planning policy, hot food takeaways are a town centre use that should be located within centres. The Interim Policy identifies that high proportions and concentrations of hot food takeaway establishments within centres can have a negative impact on their vitality and viability. The Interim Policy is not part of the adopted development plan and, whilst relevant, I give it limited weight.
8. The Interim Policy aims to manage the location of hot food takeaways by setting out that they will only be permitted if certain criteria are met. From the evidence before me, the proportion of hot food takeaways in the town centre is well below 10%. The appeal property is not beside any other hot food takeaways and so would not result in more than 2 adjacent hot food takeaways A5 uses. The evidence presented identifies that the appeal property is located just outside of the primary shopping front area. There are no secondary school entry points within 400m of the appeal property. I did not observe a large number of hot food takeaways A5 uses or other fast food type outlets within the vicinity of the appeal property, and in my view, the proposed development would not result in a proliferation of such uses.
9. Consequently, the proposed development would not harm the principal function of the retail sector and would not detract from the retail function of the town centre. The proposed development would therefore accord with Policy CS13 of the Core Strategy and Policy REG20 of the Regeneration DPD. It would also comply with the Interim Policy.
10. The Interim Policy states that there is a recognised link between takeaway food and obesity, which it highlights as a significant health issue in Middlesbrough. Carefully managing applications for hot food takeaways in specific locations and controlling their proliferation is part of the Council's approach to improving health and wellbeing and encouraging healthier eating choices. As noted above, the proposed development would not be located within 400m of a secondary school entry point and would not result in a proliferation of such uses, and so would comply with the Interim Policy in this respect.

### **Conditions**

11. I have considered the conditions suggested by the Council, having regard to the six tests set out in the National Planning Policy Framework. For the sake of clarity and enforceability, I have amended the conditions as necessary.

12. A condition to require the development to be carried out in accordance with the approved plans is necessary in the interests of certainty. It would also be necessary to secure details of the proposed kitchen exhaust equipment in order to ensure that what is installed prevents unacceptable odours in the interests of the amenity of users of neighbouring premises.

### **Conclusion**

13. I have found that the proposed development would not have an adverse effect on the retail function of the town centre and would not result in a proliferation of hot food takeaways or other fast food type outlets within the area. It would not conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should succeed.

*F Wilkinson*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan and drawing number 02\_R1 dated 18/11/2020.
- 3) An odour and particulate impact assessment shall be provided by a competent and suitably experienced, specialist air quality or odour consultant and approved in writing by the Local Planning Authority before first use of the proposed development. The assessment shall identify the impact of cooking odours and grease released to the air from the premises and detail methods to control them to prevent harm to amenity. The report shall be carried out in accordance with the EMAQ guidance 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' 2018 or an alternative appropriate assessment tool agreed in advance with the Local Planning Authority. The report should include details of the position of internal ventilation extraction canopies, the position and height of the flue outlet and the type of filtration and/or odour control units or other fume treatment to be installed. The systems and filtration and odour control units shall be installed prior to the first use of the development hereby permitted and shall thereafter remain for the lifetime of the development. The systems and filtration and odour control units shall be maintained in accordance with the manufacturer's recommendations including the frequency of replacement filters.



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## Appeal Decision

Site visit made on 10 August 2021

**by Alison Scott BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20<sup>th</sup> August 2021**

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**Appeal Ref: APP/W0734/D/21/3278295**

**22 The Avenue, Linthorpe, Middlesbrough TS5 6PD**

- 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 Naveed Durrani against the decision of Middlesbrough Council.
  - The application Ref 21/0072/FUL, dated 6 February 2020, was refused by notice dated 14 April 2021.
  - The development is PROPOSED SINGLE STOREY REAR EXTENSION, SINGLE STOREY FRONT EXTENSION, FIRST STOREY SIDE EXTENSION AND LOFT CONVERSION INCLUDING DORMER WINDOWS TO FRONT AND REAR.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Since the time the appeal was submitted, the revised National Planning Policy Framework (the Framework) has been published in July 2021. My decision is made in the context of the revised Framework.

### Main Issue

3. The main issue is whether or not the proposal would preserve or enhance the character or appearance of the Linthorpe Conservation Area.

### Reasons

4. The appeal property is located within the Linthorpe Conservation Area (CA). The original village of Linthorpe was part of the Acklam manor in the twelfth century. Once industry came to Linthorpe in the mid-nineteenth century, the 1870's saw the first housing developments along The Avenue. Linthorpe has grown in a largely planned order of residential houses and supporting public amenities over the decades. Its significance broadly derives from its patterns of housing layout characterised by large two storey detached villas, strong architectural detailing and fine examples of interwar housing.
5. In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
6. Built between 1852 and 1895, the appeal property is a large detached and very decorated to the front elevation, Victorian villa that sits back from the road in a

- prominent location close to the bend in the road. It is experienced beside other large villa style houses of a semi-detached nature and is highly visible from the street scene given the wide access drive into the property.
7. The original house has been extended in many directions. The single storey side extension is subordinate in character. However, this is proposed to be significantly increased in size with the front building line almost flush with the original front building line and together with the eaves and ridgeline that would correspond with the host building, there would be no subordination created.
  8. As part of the side extension, a balcony at first floor would be introduced. During my visit, I noticed other balconies within close proximity to the appeal property although these appeared to be original to the host dwelling. A balcony as proposed would appear as an uncharacteristic addition to the dwelling.
  9. Dormer windows are also proposed to be incorporated into the original roof as well as into the new roof. In particular, where they would be located to the principal elevation, they would add significant bulk and mass to the roof slope. Dormer windows are a characteristic of other dwellings located within close quarters of the appeal site. However, these are integral to their original design, and incorporated into a different house type. They are not the same circumstances as the appeal proposal.
  10. As a combination of these factors, it would not appear as a subservient addition to the host dwelling and would not contribute positively to the character and appearance of the host dwelling.
  11. Further harm would arise due to the proposed fenestration pattern that would appear at odds with the original window format. I note the appellant states this could be controlled by way of condition, together with final details of the proposed balcony. However, as I have not found the proposal to be a sympathetic addition to the host dwelling, a condition would not overcome the harm I have otherwise identified.
  12. The appeal dwelling is a detached house type with its own defining characteristics and is materially different to other dwellings located within close range. No examples of other similar proposals have been provided by the appellant to compare. I have found this scheme would detrimentally harm the character and appearance of the host dwelling and would not preserve or enhance the character or appearance of the CA.
  13. With reference to the Framework and proposals affecting heritage assets, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given that the impact of the proposals would be limited to the character and appearance of the CA, I find that the harm would be 'less than substantial' in this instance.
  14. Under such circumstances, Paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. There are no public benefits identified by the appellant.
  15. I understand the intention of the appellant to increase the size of their home to best improve its facilities and to fit their needs. However, this is a private benefit. In the words of the Framework, any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing

justification. Substantial weight is attached to harm, and subsequently the very special circumstances necessary to justify the development does not exist

16. To conclude, due to the unsympathetic design of the proposal, harm to the character and appearance of the CA would arise. As such the proposal would not comply with the Middlesbrough Local Development Framework Core Strategy 2008 Policies DC1, CS4 and CS5, and the Middlesbrough Urban Design Guide 2013 together with the Framework in their combined design aims, and objectives to protect heritage assets.

### **Conclusion**

17. The proposal would result in harm arising to the character and appearance of the CA. It would thus lead to conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

*Alison Scott*

INSPECTOR

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