

PLANNING AND DEVELOPMENT COMMITTEE

Date: Friday 15th October, 2021
Time: 1.30 pm
Venue: Council Chamber

AGENDA

1. Welcome and Introduction
2. Apologies for Absence
3. Declarations of Interest
4. Minutes - Planning and Development Committee - 10 September 2021 3 - 8
5. Schedule of Remaining Planning Applications to be Considered by Committee 9 - 60

Schedule - Page 9
Item 1 - Land at Hemlington Lane - Page 11
Item 2 - 3 Marton Moor Road - Page 43
Item 3 - Former Ormesby Methodist Church - Page 53
6. Applications Approved by the Head of Planning 61 - 72
7. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin
Director of Legal and Governance Services

Town Hall
Middlesbrough
Thursday 7 October 2021

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/chris_lunn@middlesbrough.gov.uk

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on Friday 10 September 2021.

PRESENT: Councillors J Hobson (Chair), D Coupe (Vice-Chair), D Branson, C Dodds, M Nugent, J Rostron, J Thompson and G Wilson.

ALSO IN ATTENDANCE: Councillors S Dean and E Polano; E Craigie (Teesside Live), M Findlay, C Foy and S Hesmondhalgh.

OFFICERS: P Clarke, D Johnson, A Glossop, C Lunn, G Moore and S Moorhouse.

APOLOGIES FOR ABSENCE: Councillors B Cooper and L Garvey.

21/10 **WELCOME AND INTRODUCTION**

Following the Chair's introduction to the meeting, a Member made reference to site visits and queried when these would be reinstated. The Head of Planning advised that this was currently being explored with a view to reintroducing them as soon as possible.

NOTED

21/11 **DECLARATIONS OF INTEREST**

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

21/12 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 16 JULY 2021**

The minutes of the Planning and Development Committee meeting, held on 16 July 2021, were submitted and approved as a correct record.

21/13 **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 and reported thereon.

19/0355/FUL Erection of 18 no bungalows with associated access and landscaping works on Land at Hemlington Lane, Middlesbrough for Mr K Shannon

Item deferred for the following reasons:

To allow assessment of wildlife feature found on site.

21/0041/FUL Erection of 1 no dwellinghouse (demolition of existing property) at Cleveland Cottage, Brass Castle Lane, Middlesbrough TS8 9ED for Mr and Mrs Spriggs

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

The Development Control Manager advised that permission was sought for the erection of a large detached two-storey dwelling on the site of an existing dwelling and associated garage, which were to be demolished. The development would largely maintain the area and character of the existing property.

Members heard that following a consultation exercise, there had been no objections received. Two representations had been received with comments on the proposed development, which raised issues pertaining to builders' operations, the scheduling of construction activities, and to the septic tank serving the site. One letter of support had been received and a Ward Councillor had also supported the proposed development.

The application site was located outside of the limits of development, however, owing to the pre-existing dwellinghouse, officers were satisfied with the proposals and the recommendation was to approve the application, with conditions.

A Member made reference to the issues that had been raised during the consultation exercise and queried what assurances could be given to demonstrate that these had been taken into account. In response, the Committee was advised that:

- In respect of builders' operations and all materials, plant and temporary accommodation being kept within the site, this should happen without issue. However, if works were to extend beyond the boundaries of the site, the Planning department would have no control or authority over this and it would need to be treated as a civil matter. It was commented that this was a significant site and there was plenty of space available within it to undertake works; there were no particular issues from an officer perspective regarding this.
- In terms of construction hours, the Planning department did not control these; any particular issue or cause for complaint would need to be investigated by Environmental Health. However, it was indicated that this site was a fair distance away from other residential properties.
- In respect of the septic tank, whereby concerns had been raised that discharge into the tank and soakaway may pollute neighbours' land, it was explained to Members that this was an existing septic tank which could connect into it, or new former drainage installed. There was a condition attached whereby if system changes did occur, this would need to be referred back to Planning for agreement and could therefore be reasonably controlled.

The Applicant's Planning Consultant was elected to address the Committee, in support of the application.

In summary, the Planning Consultant:

- Provided details of the Applicant's background and commitment to Middlesbrough.
- Commented on the style of the property and its in keeping with properties of similar size across the Tees Valley area.
- Indicated that, owing to the existence of a dwellinghouse on the site, the principle of the application had been accepted; the site was now ready for redevelopment into a new home for the 21st Century.
- Hedgerows around the property would be retained and there were plans for new planting throughout the site.
- There were no objections from neighbours; any issues regarding drainage could comfortably be addressed with no adverse effects to the area's drainage or neighbouring properties.

In response to an enquiry from a Member regarding the entrance to the proposed development, the Planning Consultant indicated that this would remain the same.

A Member queried the age of the original house. In response, the Planning Consultant advised that it was a circa. 1950s property, which had been developed over the years.

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

21/0290/FUL Erection of 1 no detached dwelling at 20 Fountains Drive, Middlesbrough TS5 7LJ for Mr J Bradley

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

The Development Control Manager advised that planning permission was sought for the erection of a two-storey, four bedroomed detached dwelling on the section of residential garden located immediately to the north (at the side) of 20 Fountains Drive in Acklam. Vehicular access to the property would be provided directly from Sledmere Drive.

The application site was located on a corner plot at the junction of Sledmere Drive and Fountains Drive in a predominantly residential area of Acklam; aerial and street views were shown to Members. The frontage of the property would face towards Fountains Drive with a section of close boarded boundary fencing positioned along part of the side boundary facing Sledmere Drive.

It was explained to Members that following submission of the original plans, concerns raised by officers in respect of the scale and position of the development had been addressed. The plans were 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 had been relocated to be set away from the pavement along Fountains Drive/Sledmere Drive.

The Committee heard that the application site had 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 residential development in this location was established as a result.

It was explained that there would be changes to the existing property should this application be successful. The proposal would include the demolition of the existing detached garage, relocation of the 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. Such changes fell within the permitted development regulations and therefore did not require planning permission.

Following consultation, 42 objections had been received from neighbouring residents, together with objections from Ward Councillors S Dean and E Polano. There had been two support comments received.

In summary, the objections related 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;
- A lack of need for the housing; and
- Devaluation of neighbouring properties.

The support comments related to:

- The proposal improving the current Anti-Social Behaviour on this section of land;
- Speeding concerns being addressed separately;
- Drainage issues being unrelated to this property; and
- The dwelling building line followed those of Sledmere Drive and Fountains Drive.

It was indicated that, from the officers' perspective, the revised design and reduced scale of the dwelling were considered to achieve a property which was 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 were considered to ensure the privacy and amenity of the neighbouring properties would not be significantly affected. The proposed vehicular access to the rear of the property from Sledmere Drive was 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 was considered to be in accordance with Policies DC1, CS4, CS5 and H11 and was recommended for approval subject to conditions.

In response to an enquiry regarding the entrance to the proposed development, the Development Control Manager advised that the entrance to the front would be utilised for pedestrian access; a further door on the side of the property, accessed via a utility room,

would provide access to the side of the house and to a parking area at the rear side.

A Member made reference to previous planning applications that had been approved and queried potential reasons as to why development works had not taken place. In response, the Development Control Manager advised that if the site was able to accommodate the proposed development, that was the main priority; whether or not an applicant proceeded to continue with the development was subject to individual circumstance.

A Member made reference to highways and visibility and the issues raised by objectors; a request for clarification regarding the views of MBC Highways was made. In response, the Development Control Manager advised that the Council's Highways Officers had commented that forward visibility around the junction met the requirements that would be expected for this type of junction. In addition, there was the appropriate amount of parking available relevant to the Council's design guide and was therefore, on Highways grounds, acceptable.

A Member made reference to an issue raised in respect of visitor parking. It was queried whether there were any possible issues or restrictions in the garden being reduced to allow for further parking on the site. In response, the Development Control Manager advised that the Highways guide for parking was three spaces for this type of property. Visitor parking was more relevant on bigger schemes where an array of visitor parking was required. This was an existing set of streets where there was visitor parking for all properties, and arguably some of that would take place in the highway. There would be space available at the front of the property for further parking to be provided if it was necessary, but from the Council's perspective and the requirements of the planning policy for parking provision, it did meet those standards.

Two Ward Councillors for Acklam Ward and a resident of a neighbouring property spoke in objection to the application. In summary, the objections related to:

- Style, size and position of the development;
- Visitor parking;
- Loss of privacy;
- Changes to existing property;
- Take up of green/garden area – this was not derelict land;
- Potential to set precedence and other plots of similar make-up being utilised to undertake similar development;
- Design was not in keeping with the area;
- Devaluation of neighbouring properties;
- Highway safety and use of the corner by school children – this development would result in a 'blind bend';
- Speeding vehicles may lose control and mount what would become somebody's property;
- Drainage – green area converted into hard standing for car parking raised flooding concerns and contravened MBC's Green Policies; and
- Erection of a 6ft fence around the property.

With regards to the issue raised in respect of the hard standing, the Development Control Manager explained that it was not uncommon for a pathway to the front door and a driveway to be included in development plans, and therefore this would not raise any concerns from an officer perspective.

With regards to the fencing that would be erected around the side of the property, Members were directed to the slides shown during the presentation which illustrated where this would be sited. The plans referenced a 2m high privacy fence to create a private garden area associated with that property. It was explained that if Members held any particular concerns with the position or height of the fence, that could potentially be amended through assignment of a condition to deal with that particular issue. However, it was indicated that the fence was set off from the front boundary of the plot with the pavement, and also set in from the side boundary, meaning that it would be set back from the road on both sides. An amendment to the position of the fence had been made during the application process.

In response to a Ward Councillor's request for clarification regarding conversion of the grassed area at the front of the existing property into hard standing for car parking, it was confirmed that this would be the case. The Ward Councillor subsequently made reference to the existing property and queried whether this would be a smaller plot in comparison to the new development. In response, it was confirmed that this would be the case.

In response to a general comment regarding objections, the Legal representative and Head of Planning advised that objections must have related to material considerations, and it was a matter of their quality rather than quantity. It was explained that the number of objections demonstrated strength of feeling, but did not alter the fact of what was or was not a material planning consideration. Members were advised not to take into account non-material considerations when making their decisions, and were directed to the Planning Consideration and Assessment section of the policy guidance for information.

A Member commented on the potential to reduce the height of the boundary fence at particular sections in order for the development to be more in keeping with other properties in the area, but commented that visibility would still be reduced if 6ft fencing was to be erected on the corner. A Member also commented that a condition around fencing could potentially be applied if the Committee deemed it appropriate to do so.

ORDERED that the application be **REFUSED** for the following reasons:

In the opinion of the Local Planning Authority the proposed property, as a result of its scale, design and position, will have a detrimental impact on the open character of the area and on the amenity of the adjacent properties, contrary to Local Plan Policy DC1.

21/14

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).

A Member referred to application reference 21/0366/TELPN and queried what constituted a wraparound cabinet. In response, the Development Control Manager advised that it was the cabinet that wrapped around the base of a monopole; masts being erected had a minimum of two, occasionally three, cabinets on site to support various functions. It was explained that, on occasions, the cabinets wrapped around the pole whereas on others, the cabinet was separate from the pole and sited off to one side.

A Member referred to application reference 21/0196/FUL and queried whether this related to the incident of development works taking place on land behind residential property. In response, this was deemed to be the case, but would be confirmed by the Head of Planning / Development Control Manager.

ORDERED that the Head of Planning / Development Control Manager provide clarification in relation to the enquiry raised regarding planning reference 21/0196/FUL.

21/15

PLANNING APPEALS

Appeal Ref: APP/W0734/W/21/3268432 103 Roman Road, Linthorpe, Middlesbrough TS5 5PH – Appeal Dismissed

The development proposed was the erection of a two-storey rear extension and a single-storey rear extension.

The main issues in the determination of the appeal were:

- 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.

**Appeal Ref: APP/W0734/W/21/3268549 2 Newport Crescent, Middlesbrough TS1 5EP
– Appeal Upheld**

The development proposed change of use from shop A1 [E(a)] to hot food takeaway A5 [sui generis] - contemporary fish and chip shop.

The main issue in the determination of the appeal was the effect of the proposed development on the retail function of the town centre.

**Appeal Ref: APP/W0734/D/21/3278295 22 The Avenue, Linthorpe, Middlesbrough TS5
6PD – Appeal Dismissed**

The development proposed single-storey rear extension, single-storey front extension, first-storey side extension and loft conversion including dormer windows to front and rear.

The main issue in the determination of the appeal was whether or not the proposal would preserve or enhance the character or appearance of the Linthorpe Conservation Area (CA).

In respect of the appeals, the Development Control Manager provided Members with details of the issues raised by the Planning Inspectorate.

NOTED

Planning & Development Committee - 15th October 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	21/0109/FUL Nunthorpe	Applicant Chloe Brodrick Agent Mr Gordon Henderson	Erection of detached domestic garage building to rear 3 Marton Moor Road, Middlesbrough TS7 0BL
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3	21/0480/VAR Park End/Beckfield	Applicant Mrs Natalie Woodgate Agent Mr Andrew Riley	Variation of condition no. 5 of planning approval 20/0045/COU to remove the condition which requires external windows in the north west elevation to remain closed between the hours of 9am to 9pm Former Ormesby Methodist Church, High Street, Middlesbrough TS7 9PA
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APPLICATION DETAILS

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

SUMMARY

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 Toucan 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. The Toucan crossing payments will be secured through a section 106 agreement with the provision of the footway on Hemlington Lane through a section 28/278 agreement.

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.

SITE AND SURROUNDINGS AND PROPOSED WORKS

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 (Toucan) crossing to the west 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

- Ecological Badger Inspection Survey October 2021
- 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

PLANNING HISTORY

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 2nd 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.

PLANNING POLICY

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

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

Middlesbrough Local Plan

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

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

- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).

National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

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

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

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

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>

CONSULTATION AND PUBLICITY RESPONSES

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 Toucan crossing point approximately forty metres west 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 turning into Hemlington Lane from Ladgate Lane will have 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 19th 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 seem 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.

PLANNING CONSIDERATION AND ASSESSMENT

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 green links.
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. Comments have been received regarding live badger setts within the site. Although badgers are not a protected species, a site visit was undertaken by Tees Valley Wildlife on the 4th October 2021 and a further survey has been undertaken by the applicant's ecologist of the site. Both surveys concluded that the potential badger setts were old setts with no evidence within the surrounding area that they were currently being used.
55. An informative will be placed on the application that prior to the commencement of any works within the site there should be a further walk over survey of the site to include camera surveillance to assess any badger activity. If badgers are on the site then the applicant would be required to apply for a Natural England licence to block up the setts to enable the badgers to relocate. This Natural England licence requirement is separate to any planning requirements.
56. The proposal will see the loss of the majority of the existing trees within the site. The Ecological Assessment and subsequent badger sett survey 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

57. 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.
58. 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.

59. 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.
60. 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 manoeuvring. 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.
61. 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.
62. 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 toucan crossing point approximately 45 metres west of the Ladgate Lane / Hemlington Lane junction. This will improve the sustainable transport provision for the site.
63. The toucan 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.
64. 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.
65. 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.
66. 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.

67. 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.
68. 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.
69. 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.
70. 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

71. 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'.
72. 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.
73. 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.
74. 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.

75. 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

76. 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.
77. 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.
78. 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.

RECOMMENDATIONS AND CONDITIONS

Approve with conditions subject to a S106 agreement

- The provision of monies to provide for off-site mitigation for the loss of trees,
- The provision of an off-site highways impact mitigation, (toucan crossing, footpath along Hemlington Lane, carriageway works.
- The provision of an affordable housing contribution,
- Further investigation of species presence and a mitigation scheme to be agreed with the LPA. (ecology condition 16)

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 13th June 2019
- b. Existing site plan drawing SD- 10.01 dated 13th June 2019
- c. Proposed site plan drawing SD-10.02 REV K dated 3rd March 2021
- d. Colour site plan drawing SD-10.03 REV A dated 3rd March 2021
- e. Landscape Plan drawing C-1823-01 Rev A dated 3rd March 2021
- f. Boundary treatment drawing SD-50.02 dated 3rd March 2021
- g. Boundary treatment drawing SD-50.01 REV A dated 3rd March 2021
- h. House type A elevation drawing SD-30.01 REV A dated 3rd March 2021
- i. House type A floor plan drawing SD-20.01 REV A dated 3rd March 2021
- j. House type B elevation drawing SD-30.02 REV A dated 3rd March 2021
- k. House type B floor plan drawing SD-20.02 REV B dated 10th September 2021
- l. House type C elevation plan drawing SD-30.03 REV A dated 3rd March 2021
- m. House type C floor plan drawing SD-20.03 REV A dated 3rd March 2021
- n. House type D elevation plan drawing SD-30.05 dated 3rd March 2021
- o. House type D floor plan drawing SD-20.05 dated 3rd March 2021
- p. Revised adoption plan drawing SD-10.06 dated 3rd March 2021
- q. Construction Traffic Management Plan dated November 2020
- p. Surface Treatment plan drawing SD-10.04 REV B dated 10th February 2021
- q. Proposed drainage strategy drawing 21021-001- REV P1 dated 7th April 2021
- r. Proposed Development Flood Flow drawing 21021-011- REV P1 dated 7th April 2021
- s. Drainage Maintenance Statement 21021 REV P1 dated 7th April 2021
- t Noise Assessment dated 3rd March 2020
- u. Proposed boundary treatment plan drawing SD-10.05 REV D dated 10th September 2021
- v. Site Section drawing SD-40.01 dated 10th September 2021

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.

18. Finished Levels

Prior to the preparation of levels on site the finished ground floor levels of the building(s) hereby approved in relation to existing and proposed site levels, the adjacent highway and adjacent properties, together with details of levels of all accesses, to include pathways, driveways, steps and ramps, shall be submitted to and approved in writing by the Local Planning Authority thereafter the development shall be carried out in accordance with the approved scheme.

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

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.

INFORMATIVES

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.

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 Councils 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

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.

Badger Setts

The applicant prior to the commencement of development of the site is advised to undertake a further survey of the site including camera surveillance of any potential badger setts and should any setts show Badger activity the applicant is required to apply for the required licences from Natural England.

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.

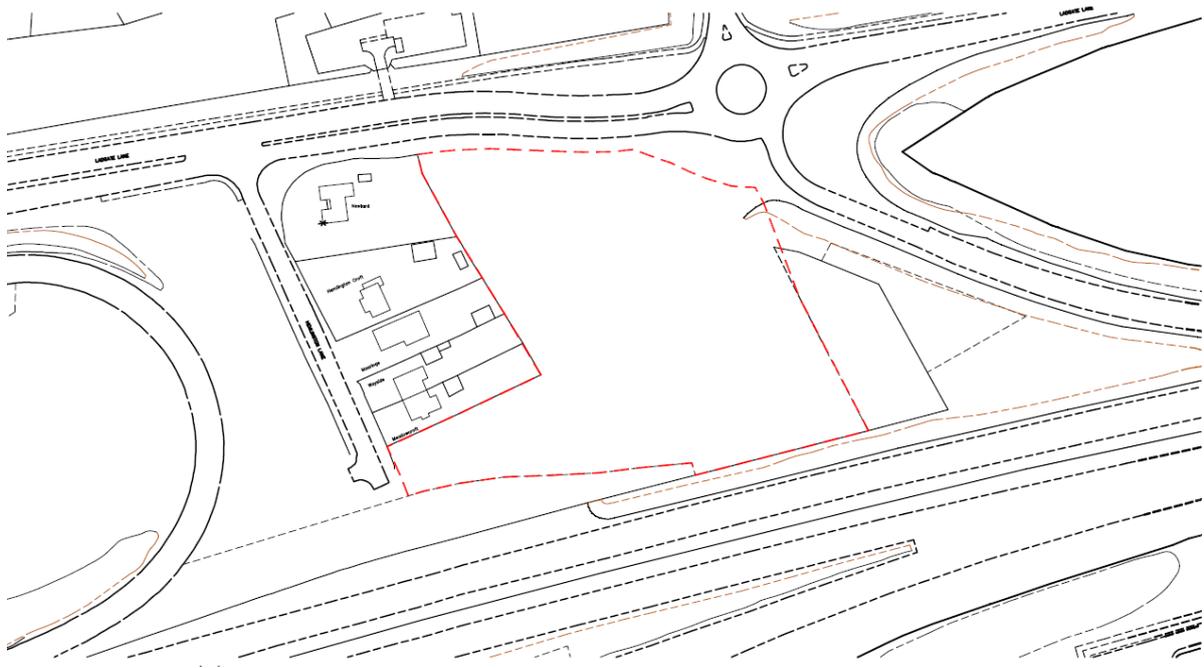
Secure By Design

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 and to contact Stephen Cranston at Stephen.Cranston2@cleveland.pnn.police.uk

Case Officer: Debbie Moody

Committee Date: 10th September 2021

Appendix 1: Site Location Plan



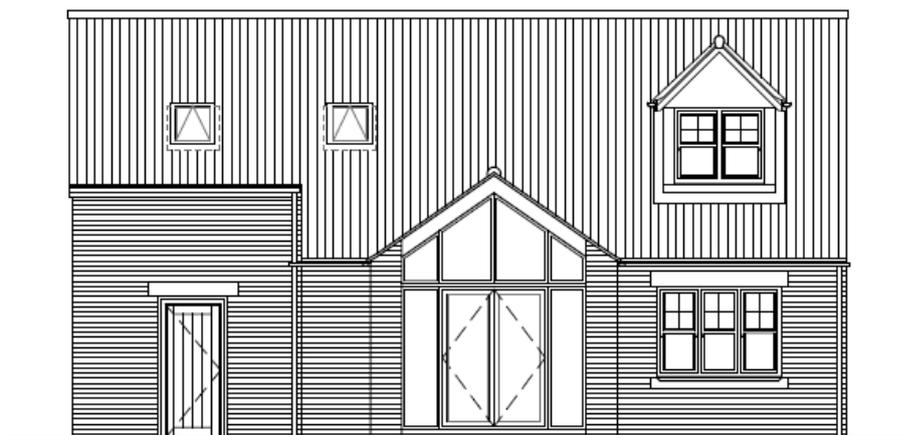
Appendix 2: Proposed Site Layout



Appendix 3: Proposed Housetypes



Type A
Front Elevation



Type A
Rear Elevation



Type D
Front Elevation



Type D
Side Elevation



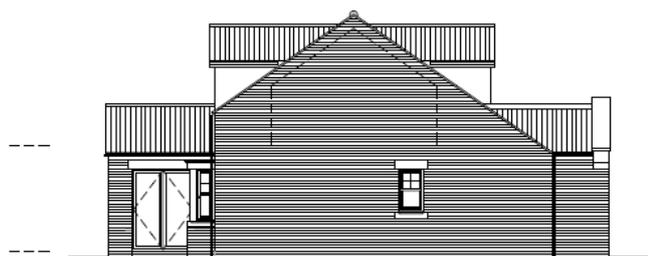
Type D
Back Elevation



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

APPLICATION DETAILS

Application No:	21/0109/FUL
Location:	3 Marton Moor Road, Middlesbrough
Proposal:	Erection of detached domestic garage building to rear
Applicant:	Chloe Brodrick
Ward:	Nunthorpe
Recommendation:	Approve with Conditions

SUMMARY

The application site is a mid-terraced two storey residential property located to the north side of Marton Moor Road and the proposal is to remove the existing rear boundary which is made up of brick pillars with roller shutter door and construct a detached, pitched roof garage. The scheme has been amended since its initial submission which included a higher roof and an additional floor with 2 windows within the 1st floor. The amendment has reduced the height of the proposed building and for it to be single storey only.

The proposed garage will be at the end of the rear garden adjacent to the rear lane / track which provides this terrace of properties with rear access. The dimensions of the proposed garage are 5.46m by 5.5m in footprint, eaves height of 2.3m and ridge height of approx. 4.2m.

The private rear garden is enclosed by a boundary fence to the sides (approximately 1.8m high) and a roller shutter door used as a fence to the rear. There are neighbouring dwellings on each side and on the other side of the back lane. Whilst the proposed garage is relatively large to its position and surroundings, and will have some impacts on adjacent properties, in view of the reduced height of the proposal and the presence of adjacent garage buildings, officers consider the proposal is acceptable, being sufficiently in keeping with the site and immediate surroundings.

Seven objections from 3 properties have been received which mainly relate to the scale of the building and its close proximity to the adjacent properties and the resultant loss of light and the general overbearing impact.

The proposed garage is considered to be of good design and of a scale which will not unduly affect adjacent properties or the character of the area. The officer recommendation is to approve subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is a mid-terraced two storey residential property located to the north side of Marton Moor Road. There is a back lane serving the rear of properties within the terrace with a church on the opposing side of the back lane.

The application site already has a large steel roller shutter door on the rear boundary. This proposal seeks planning approval for the erection of a detached domestic garage (the roller shutter door would then be removed after construction of the new garage). The proposed building would be situated at the bottom of the rear garden adjacent to the back lane where vehicular access is currently obtained. The dimensions of the proposed garage are 5.46m by 5.5m and a maximum height (from ground level) of approx. 4.17m and eaves height of 2.3m. The garage is shown having a pitched roof and being constructed with brick walls and concrete roof tiles.

The garage was initially proposed having a higher roof and room within the roof space albeit with a smaller footprint. Officers considered the scale of the initially proposed scheme would be overbearing and requested the building size be reduced. The revised plans have removed the first floor and removed two windows which were intended to serve the 1st floor.

The private rear garden is enclosed by a boundary fence to the sides (approximately 1.8m high) and open to the rear. There are neighbouring dwellings on each side and on the other side of the back lane.

PLANNING HISTORY

Previous planning permissions for the property include:-
20/0708/PNH – Single storey extension to rear, dealt with in December 2020.

M/FP/0696/15/P - Single storey extension at side/rear (demolition of existing extension), approved July 2015.

M/AMD/0819/12/P - Non-material amendment to M/FP/0819/12/P for additional window to side elevation, approved in September 2013.

M/FP/0819/12/P - Single storey extension to side (demolition of existing conservatory), approved in October 2012.

PLANNING POLICY

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

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

Middlesbrough Local Plan

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

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

National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

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

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

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

CS5 - Design
 DC1 - General Development
 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>

CONSULTATION AND PUBLICITY RESPONSES

The following comments have been received from consultees:-

Parish Council

No responses received.

Number of original neighbour consultations	4
Total numbers of comments received	7 (from 3 properties)
Total number of objections	7
Total number of support	0
Total number of representations	7

Following consultation 7 responses were received. The following issues were raised:

- an overbearing impact,
- impacts on privacy,
- loss of light,
- commercial use,
- impact on historical character of the area,
- drainage,
- not in keeping;
- height (two storey),
- issues with the construction of an extension to the house; and,
- not being consulted on the application.

Comments were received from the following addresses:

- 1 Marton Moor Road
- 5 Marton Moor Road
- 7 Marton Moor Road

PLANNING CONSIDERATION AND ASSESSMENT

1. The main considerations with this proposal are the impacts on the character and appearance of the dwelling, street scene, the impacts on the privacy and amenity of the neighbouring properties and the impact on highway provision/safety. These and other matters are considered as follows;

Character and appearance

2. The property is sat within a terrace of six on the north side of Marton Moor Road, adjacent to Nunthorpe railway station. To the rear of the property is a back lane with a church on the opposing side. The dwellings are red brick at ground floor with render to the first floor, with small front gardens with boundary hedges adjacent to the footpath. The properties have no vehicular access to the front, this is taken off the back lane to the rear accessed via Rockwood Road.
3. There are five garage buildings to the rear of the group of six terraced houses, all separate from the houses at the bottom (north end) of the respective gardens. No.3 (the application property) is the only property within the terrace group without a garage to the rear. The existing garages are a mixture of pebble dash, and red brick, but all

have metal doors and are flat roofed. The application site currently has a roller shutter vehicle door in the rear boundary wall.

4. The proposed garage building would be detached and abut the rear lane as per the other garages serving this group of terraced properties. The garage is shown having a pitched roof and although this is contrasting with the other garages in the immediate vicinity, it accords with the principles of the Middlesbrough design guide which in general doesn't support flat roofed additions.
5. Following discussions with the agent the height of the proposed garage has been reduced to 4.17m to ridge and 2.33m to the eaves and whilst not significant in scale in its own right, it would take up the full width of the plot and so will be a notable addition. Whilst it will be of a differing design to the other garages it is considered to be of an acceptable design and will be constructed of appropriate materials to be in keeping with the immediate surroundings.
6. It is set back from the host dwelling, to the bottom of the rear garden and will not be visible from the Marton Moor Road. It can be constructed from materials reflective of those used in other garages serving the group of properties, and a condition is recommended to ensure that finishing materials are approved by the Local Planning Authority prior to commencement.
7. In view of these matters, it is considered that the proposed garage will not have an unduly harmful impact upon the character and appearance of the dwelling or the immediate surroundings. The development is considered to be in accordance with the requirements of Policy CS5 and the Middlesbrough Design Guide in these regards.

Impacts on privacy and amenity

8. The proposed garage has been designed with a garage door on the north elevation (out to the lane) and a window on the south elevation, which faces down the rear garden and which should therefore not unduly affect privacy associated with properties either side.
9. The proposed garage is close to the northern boundary of the garden plot, similar to that of the neighbouring garages. As the detached garages are more or less in a row, east to west and separated from their relative host dwellings, any potential loss of sunlight and overshadowing would be onto a neighbouring garage, rather than the terrace of dwellings or their gardens. The proposed extension is considered not to have a notable overbearing impact on immediate neighbouring properties, amenity space or loss of sunlight.
10. The proposed garage would effectively fill the plots width and would be a noticeable addition, being larger in footprint and height, with its pitched roof, when compared to the smaller and lower garages associated with some properties within the terrace. Notwithstanding this, it is considered that the impact of the buildings scale would not be so significant as to warrant refusal of the application. It is considered that the size and siting would not have an unduly overbearing upon neighbouring properties. The development is considered to be in accordance with the requirements of Policy DC1 in these respects.

Highways

11. The proposal will not create anymore bedrooms and the vehicular access arrangements are unchanged. The parking arrangements of the back road are not changing, so a garage in the place of a parking space should not cause any negative effects on parking or access (including those of the emergency services). The development will not result in any notable impact on the local highway network in relation to safety or capacity. The development is considered to be in accordance with the requirements of Local Plan Policy DC1 in this regard.

Other issues

11. With regard to the potential for the building being used for commercial purposes, as referenced in the concerns raised, the building lies within a residential plot and to use it for commercial purposes beyond that which would be ordinarily allowable for the existing property would require planning permission.
12. Concerns raised in relation to the extension to the existing dwelling (application 20/0708/PNH) cannot be considered as part of this application.

Conclusion

13. Taking all of the above into account it is considered that the proposal will not cause notable harm to the amenities of the neighbours or the appearance of the dwelling or the surrounding area and is of a design which is in keeping with the host property. The application is therefore recommended for approval.

RECOMMENDATIONS AND CONDITIONS

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. **Materials**
The development shall only be carried out using finishing materials of which samples have been submitted to and approved by the Local Planning Authority prior to commencement of the development.

Reason: To ensure the use of satisfactory materials.
3. **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) Proposed site plan, received 27 May 2021
 - b) Proposed elevation and floor plan 01 Rev A, received 27 May 2021
 - c) Location plan, received 11 June 2021.

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

REASON FOR APPROVAL

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document in that the scale, design and materials proposed are appropriate to the site location and there will be no demonstrable adverse impact on adjacent residential amenity.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including LDF Policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

INFORMATIVES

Building materials on highway

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

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

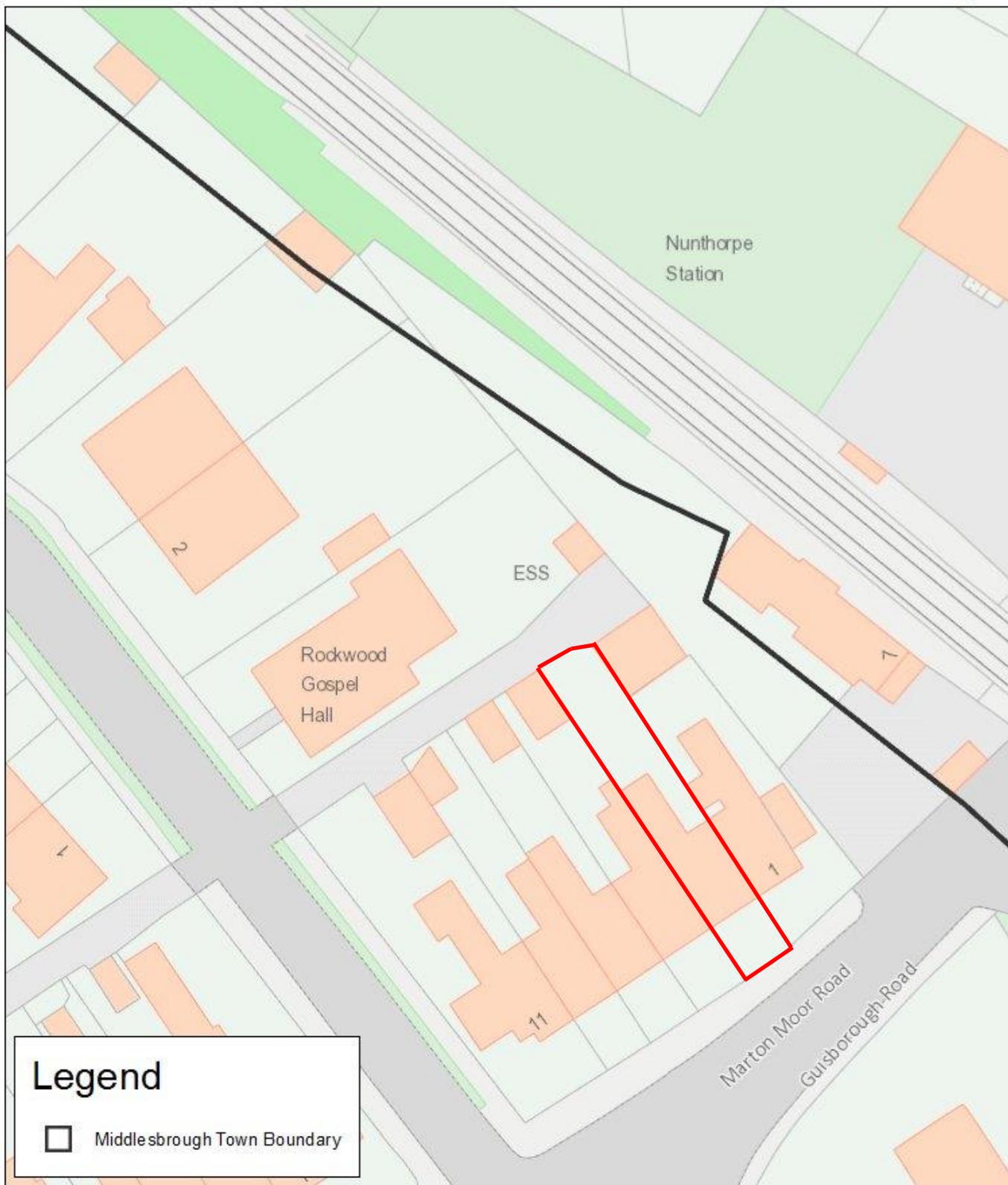
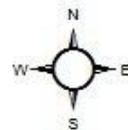
Rights of Access/Encroachment

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.

Case Officer: Justine Forrest

Committee Date: 11th June 2021

Location Plan - 3 Marton Moor Road



Legend

□ Middlesbrough Town Boundary

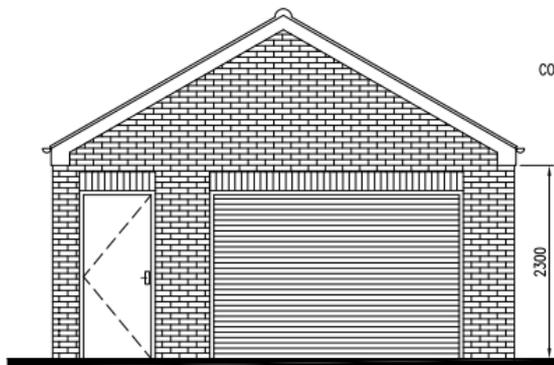


Middlesbrough Council
Civic Centre, Middlesbrough, TS1 2RH
Tel: 01642 726001

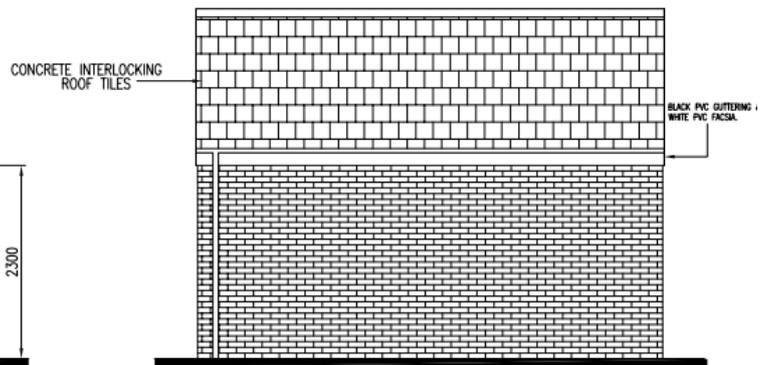
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Appendix 2: Site Plan and Elevations

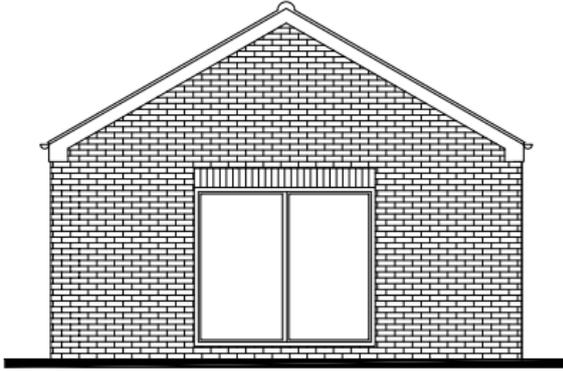


PROPOSED FRONT ELEVATION

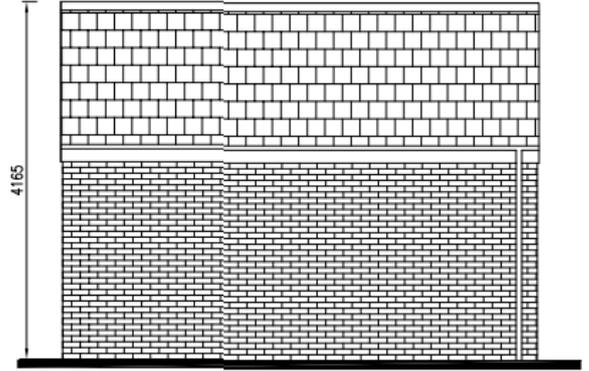


PROPOSED SIDE ELEVATION

ES.



PROPOSED FRONT ELEVATION



APPLICATION DETAILS

Application No:	21/0480/VAR
Location:	Former Ormesby Methodist Church High Street Middlesbrough TS7 9PA
Proposal:	Variation of condition no. 5 of planning approval 20/0045/COU to remove the condition which requires external windows in the north west elevation to remain closed between the hours of 9am to 9pm
Applicant:	Mrs Natalie Woodgate
Agent:	Mr Andrew Riley
Company Name:	AJ Riley Architects
Ward:	Park End/Beckfield
Recommendation:	Approve with Conditions

SUMMARY

Planning permission is sought to remove condition No.5 attached to planning approval 21/0045/COU which granted permission for the use of the former church to be a dance studio. Condition 5 related to windows on the northwest elevation, which were required by condition to be closed to prevent undue disturbance to surrounding residential amenity in lieu of any evidence demonstrating it would not cause harm.

The main consideration of this application is whether or not there is sufficient information to demonstrate the opening of the windows can occur whilst the dance school is operational without having an undue impact on nearby neighbours in terms of noise and disturbance.

Consideration has been given to a technical report submitted with the application and noise monitoring carried out by the Councils Environmental Health Department and it was concluded that the opening of windows can occur without having a significant increase in noise levels or impact in terms of noise and disturbance on local residents.

In view of the findings, it is the Officer recommendation that the application to remove the condition be approved.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is located in a residential area in Ormesby, Middlesbrough. It occupies a corner plot at the junction of Ladgate Lane with Pritchett Road. Surrounding properties are

typically two storey semi-detached dwellings. The site is opposite but not within the Ormesby Conservation Area.

The application property is a purpose built, relatively modern building that was previously used as a church. Pedestrian and vehicular access is from Pritchett Road. There is an open landscaped area to the front of the building with Ladgate Lane beyond to the south, residential properties are to the west and north with Pritchett Road and residential properties beyond to the east.

Planning permission for change of use of the building to a dance studio was approved subject to conditions by the Council's Planning and Development Committee in April this year.

This application seeks to vary a condition attached to the approval by removing condition 5 which requires windows to the north west elevation to remain closed between the hours of 9am to 9pm (While the dance school is in operation).

PLANNING HISTORY

20/0045/COU Change of use from Methodist Church (F1) to dance studio/community events centre (F2) Approve with Conditions
13th April 2021

PLANNING POLICY

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

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- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

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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,
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- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

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

DC1 - General Development

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

CONSULTATION AND PUBLICITY RESPONSES

Middlesbrough Council Environmental Health

With the dance school in operation and with windows open, the Laeq is 48.9dB at the nearest residential premise which falls under the required WHO recommendation of 50dB for outdoor spaces.

Public response

Comments were received from the following:

- Mrs Urwin 44 Pritchett Road - object to noise at 7.30am, operation outside of hours and comment was made in respect of children changing outside of the building.
- Mrs J Sinclair 57 High Street Ormesby -object to noise levels, questions outcome of noise report. Classes being conducted outside of building and impact on listed buildings.
- Mr M Stephenson 5 Coronation Green - objects to noise levels in garden should windows be opened

- Mr B Pugh 8A Pritchett Road - objects re noise, opening of windows outside of prescribed hours, reference made to loss of privacy.

Public Responses

Number of original neighbour consultations	22
Total numbers of comments received	4
Total number of objections	4
Total number of support	0
Total number of representations	0

PLANNING CONSIDERATION AND ASSESSMENT

Policy context

1. The National Planning Policy Framework (NPPF) was most recently revised and published by the Government in July 2021, and is a material consideration. The NPPF states that, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para. 12). In determining planning applications, due weight should be given to local planning policies in accordance with their consistency with the revised Framework, with greater weight given to those policies which are closer to those in the Framework (para 213).
2. As a starting point, the proposal should be assessed against policies set out in the Development Plan. Policy DC1 seeks to ensure high quality sustainable development; ensure the amenity of nearby residents; character of the area and highway safety are not adversely affected by the development.

Background

3. The principle of the use of the dance school was considered and approved under the original application. In respect of the windows subject of this application, a condition was imposed requiring the windows on the north-western elevation to remain shut during the approved hours of operation. The purpose of the condition was to ensure that the proposed use was operating within the terms set out in the noise report submitted with the original application. It advised that, with the windows closed, noise levels at the boundary with the nearest residential dwelling (No 8A Pritchett Road) were within World Health Organisation prescribed limits (50dBA). At the time the application was being considered, the Councils Environmental Health Officer advised that, due to the internal layout of the property with intervening internal walls and doors between the noise source and the nearest residential premises, noise levels at the site might be acceptable with windows open but that this would need to be demonstrated. A request was made that the applicant carry out a noise survey to establish this but the request was declined at that time. As there could be no certainty that noise levels would be acceptable with the windows open, the condition to keep the windows closed was imposed on the planning approval.

Noise

4. Since the use has been in operation, particularly during the summer and following relaxation of Covid restrictions, windows have been left open to provide ventilation in breach of condition No.5. In order to regularise the situation, the applicant has submitted this application to remove the condition.

5. A noise report submitted in support of the application tested noise levels at the site under three scenarios:
 1. With both halls active and all north facing windows closed;
 2. With both halls active, with kitchen, dining windows open and hall doors onto corridor closed and;
 3. With both halls active kitchen, dining windows open and halls doors into corridor open.

The report concludes that there is no discernible difference in noise levels between scenario 1 and 2 and that there is only a marginal increase with all windows open. The increase was still below World Health Organisation prescribed levels and the highest typical background traffic noise. The Councils Environmental Health Officer carried out an independent noise measurement at the site which confirmed the result of the submitted report.

6. In view of the above, it is concluded that removal of the condition will not result in any significant impact on the amenity of local residents in terms of noise in accordance with Policy DC1 (test c) and as such there is no justification for the condition remaining in place. Importantly any noise related matters arising from the site in the future can be considered under statutory nuisance legislation and or a noise controlling condition as recommended.

Privacy

7. Comments have been made about the issue of overlooking at the adjacent property due to the windows being open. However, the condition being considered under this application was imposed in relation to control of noise only. It is acknowledged that some direct overlooking takes place and due to varying land levels at the site, the perception of overlooking is emphasised. However, there have been windows in this elevation for a number of years. It appears that the frames have more recently be renewed and the metal grills which would have prevented opening have been removed but neither of these require planning approval and as such, this matter is not within the control of the Council.

Other Matters

8. Operation of the use outside of hours is a matter for planning enforcement and should not be taken into consideration in the assessment of this application. Other matters raised are not material planning considerations.

Summary

9. Consideration has been given as to how the removal of condition No.5 would impact nearby neighbours in terms of noise and disturbance. Evidence submitted with the application shows that there is no significant difference in noise levels at the site with windows open. The findings of the noise report were verified by the Councils Environmental Health Department. It is the Development Control view therefore that removal of the condition would not unduly impact the amenity of local residents in accordance with local policy.

Conclusion

10. Removal of the condition is in accordance with local and national policy and is recommended for approval.

RECOMMENDATIONS AND CONDITIONS

Approve with Conditions

1. **Approved Plans**

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

- a) Location Plan received 05.02.2020 ,
- b) Site plan received received 29.09.2020

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

2. **Hours of Operation**

The premises shall not operate outside the hours of 0900hr to 21.00hrs Monday to Sunday

Reason: In the interests of amenity of residents having regard for policy DC1 of the Local Plan and section 12 of the NPPF.

3. **Noise Mitigation on request**

If noise levels, as a result of the use hereby approved, when measured at the façade of any of the dwellings whose boundaries adjoin the development site, exceed 5dB above background noise levels then;

- a. At the written request of the Local Planning Authority, and within 1 month of the request being made, the operator of the premises shall submit a scheme of mitigation measures in writing to the Local Planning Authority, and;
- b. Once accepted by the Local Planning Authority in writing, the approved scheme shall be implemented on site within 1 month of the scheme being agreed and thereafter retained in perpetuity.

In the event that an agreed scheme is not implemented within 4 months of the initial request for a mitigation scheme to be submitted, all amplified sound at the premises shall cease until an agreed scheme is implemented.

Reason: To avoid undue noise and disturbance in the interests of the amenity of nearby residents.

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

Within four months of the date of this approval the areas shown on the approved Site Plan Drawing No.01 received on the 29th September 2020 for parking and manoeuvring of vehicles and cycles shall be constructed and laid out, including white lining of parking spaces, 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 proposed removal of the condition requiring that windows to the north western elevation remain closed between the hours 9am to 9pm accords with 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 (2021). In addition, the removal of the condition requiring that windows to the north western elevation remain closed between the hours 9am accords with the local policy requirements (Policy DC1 of the Council's Local Development Framework).

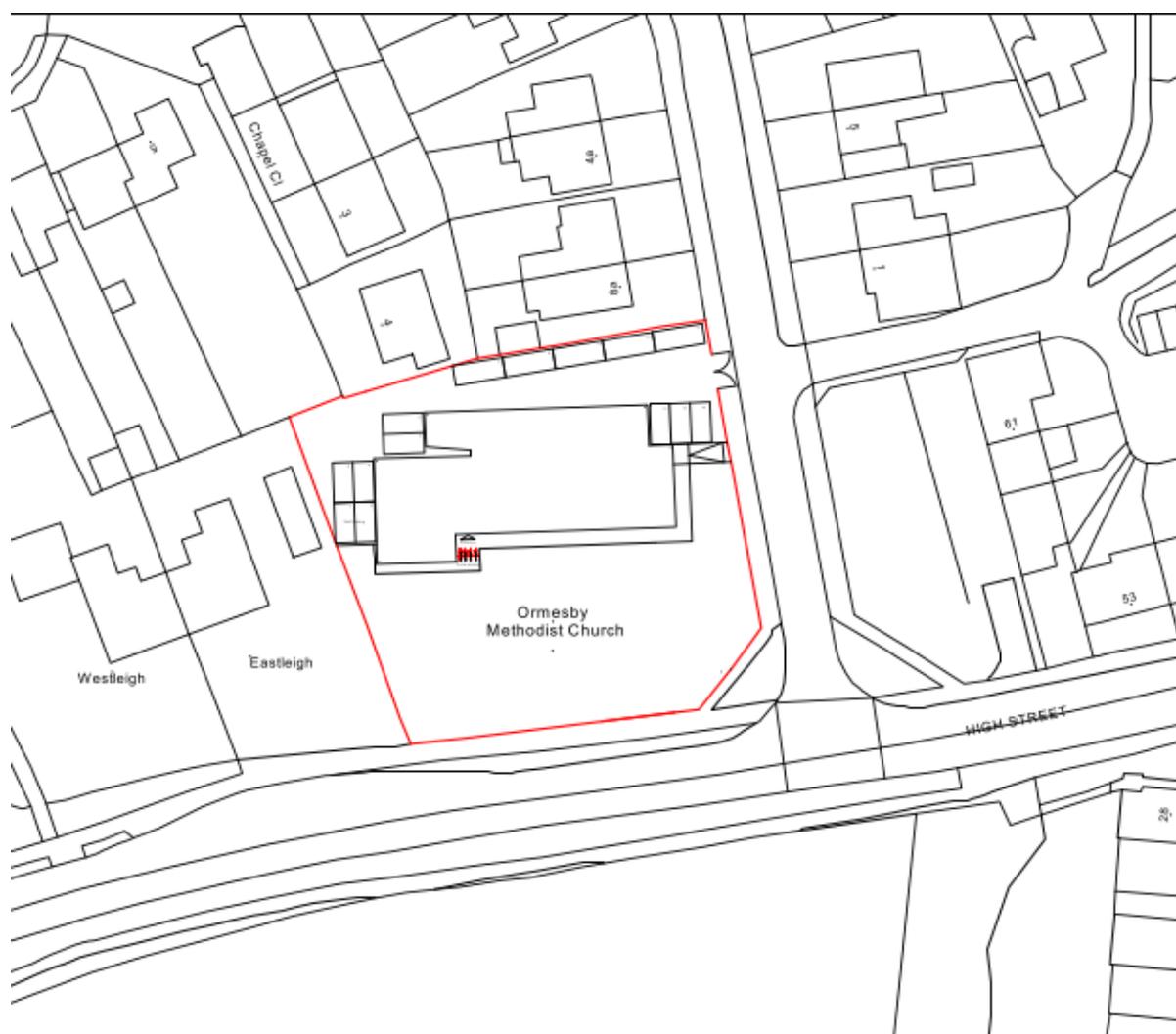
The application to remove the condition is therefore considered to be an acceptable form of development, fully in accordance with the relevant policy guidance and there

are no material considerations which would indicate that the development should be refused.

Case Officer: Maria Froggatt

Committee Date: 15th October 2021

Location Plan



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**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
18/0595/FUL Central	Erection of 7 no. industrial blocks (creating 61 No. industrial units) with associated vehicular access, roads, hardstanding and landscaping Vacant Field Adjacent Simcox Court , Riverside Park Road , Riverside Park Industrial Estate , Middlesbrough	Refused
20/0258/FUL Marton West	Two storey extension at side and rear, single storey extension at rear, raising of roof height and dormer window to rear 48 Gunnergate Lane , Middlesbrough , TS7 8JB	Refused
20/0516/DIS Central	Discharge of condition 2 and condition 3 on planning application 20/0439/VAR 190 Linthorpe Road , Middlesbrough , TS1 3RF	Refused
20/0721/COU North Ormesby	Change of use from factory (B8) to provide mixed use (sui generis) with 'drive through' facility & outdoor seating area 2 Carcut Road , Middlesbrough , TS3 6QL	Refused

21/0272/FUL Newport	Change of use of the ground floor from residential (C3) to offices (B1), removal of the ground floor bay window and installation of new commercial frontage with roller shutters 39 Parliament Road , Middlesbrough , TS1 4JP	Approve with Conditions
21/0275/COU Coulby Newham	Change of use of land as extension to residential curtilage with erection of a boundary fence 44 The Birches , Middlesbrough , TS8 0UA	Refused
21/0296/COU Marton East	Change of use of open space to residential curtilage and erection of boundary fence 36 Hazel Grove , Middlesbrough , TS7 8DJ	Approve with Conditions
21/0308/FUL	Erection of 23no. hybrid units for Use Classes E(g), B2 and B8 with associated car parking and landscaping Land North Of Cannon Street , Cannon Park , Middlesbrough , TS1 5HZ	Approve with Conditions
21/0344/FUL Coulby Newham	Single storey extension ar rear 25 Woodlea , Middlesbrough , TS8 0TX	Approve with Conditions
21/0378/FUL Central	Retrospective application for a 13 panel suspended light curtain including 19500 LED lights Mima , Centre Square , Middlesbrough , TS1 2AZ	Approve with Conditions

21/0386/FUL	Erection of three-storey educational research facility with associated car parking, hardstanding and landscaping Riverside Park Industrial Estate , Ferrous Road , Middlesbrough , TS2 1DJ	Approve with Conditions
21/0401/CLD Kader	Certificate of lawful use to establish property as residential dwelling house (C3) 427 Acklam Road , Middlesbrough , TS5 7HB	Refused
21/0408/FUL Linthorpe	Replacement timber windows to front 20 Wycherley Avenue , Middlesbrough , TS5 5HH	Approve with Conditions
21/0427/FUL Nunthorpe	Erection of 1st floor balcony/terrace with associated bifold door opening, glass ballustrading and privacy screening to the side 22 High Gill Road , Middlesbrough , TS7 0DZ	Refused
21/0437/FUL Coulby Newham	Single storey extension to rear 26 Southwood , Middlesbrough , TS8 0UE	Approve with Conditions
21/0465/FUL Kader	Single storey extension to rear 17 Holbeck Avenue , Middlesbrough , TS5 8DR	Approve with Conditions
21/0481/FUL Marton East	Second floor dormer extension to side and installation of four roof lights 72 The Grove , Marton , Middlesbrough , TS7 8AJ	Approve with Conditions

21/0489/FUL Ayresome	Two storey extension to side and formation of an additional car parking space 25 Chalford Oaks , Middlesbrough , TS5 8QF	Approve with Conditions
21/0494/FUL Coulby Newham	Single storey extension to rear and part garage conversion 3 Blackthorn , Middlesbrough , TS8 0XD	Approve with Conditions
21/0498/FUL	Installation of a replacement 20m pole in new location, supporting 6no antennas and remote radio units with the removal and replacement of associated cabinet Weatherhead Avenue , Acklam Road , Middlesbrough, , TS5 5HA	Approve with Conditions
21/0502/FUL Central	Change of use from seven bed house in multiple occupation (HMO) into 6no 1 bed self-contained flats for student accommodation (sui-generis) and retention of 2 HMO units on the third floor 48 Albert Terrace , Middlesbrough , TS1 3PB	Approve with Conditions
21/0516/FUL Longlands/Beechwood	Installation of entrance lobby and link corridor to Paediatric ED Unit. James Cook University Hospital , Marton Road , Middlesbrough , TS4 3BW	Approve with Conditions
21/0510/FUL Marton West	Two storey extension to side and single storey extension to rear 3 Perth Crescent , Middlesbrough , TS7 8ET	Approve with Conditions

21/0511/FUL Coulby Newham	Subdivision of unit into two units, unit 1a as tanning salon (Sui Generis) unit 1b as retail (Class E(a)) and new shopfront Unit 1 , Hamsterley Way , Middlesbrough , TS8 0GD	Approve with Conditions
21/0512/DIS	Discharge of condition 3 (Materials) on planning application 20/0733/VAR Land At Lower East Street , Middlesbrough	Full Discharge Conditions
21/0513/FUL Nunthorpe	Single storey extension to side and rear (Demolition of existing garage/storage) 9 Matfen Avenue , Middlesbrough , TS7 0EQ	Approve with Conditions
21/0521/FUL Acklam	Single storey extension to rear, first floor extension above garage, formation of an additional parking space and retrospective application for the side extension to form a garage 7 Derwentwater Avenue , Middlesbrough , TS5 7DB	Approve with Conditions
21/0522/FUL Coulby Newham	Single storey extension to rear 14 Blackthorn , Middlesbrough , TS8 0XD	Approve with Conditions
21/0526/FUL Coulby Newham	Erection of two storey extension to provide additional eight classrooms, two staff offices, lift and wc facilities The Kings Academy , Stainton Way , Middlesbrough , TS8 0GA	Approve with Conditions

21/0527/DIS Central	Discharge of condition 5 (Noise assessment), condition 6 (Road traffic noise assessment), condition 7 (Ventilation/fume extraction system) & condition 8 (Odour and particulate impact assessment) on planning application 20/0388/FUL 96 - 98 Corporation Road , Middlesbrough , TS1 2RB	Part Discharge Conditions
21/0530/FUL Park	Roofing over existing yard to form covered storage area 10 Simpson Street , Middlesbrough , TS5 6HP	Approve with Conditions
21/0538/FUL Nunthorpe	First floor extension to create additional bedroom space. 5 The Endeavour , Middlesbrough , TS7 0HY	Refused
21/0540/PNH Stainton And Thornton	Single storey extension to rear 5 Brookes Lane , Middlesbrough , TS8 9GE	Prior Notification Not Required/No Obj
21/0541/FUL Stainton And Thornton	Blocking up of one of two doors to front 16 Meldyke Lane , Middlesbrough , TS8 9AZ	Approve with Conditions
21/0545/FUL Marton East	Single storey extension to rear 10 Scotforth Close , Middlesbrough , TS7 8PU	Approve with Conditions
21/0550/FUL Kader	Demolition of existing Bay Window to Side. Single Storey Extension To Rear and Side and Velux Roof windows to existing rear extensions. 432 Acklam Road , Middlesbrough , TS5 8BB	Approve with Conditions

21/0551/FUL Nunthorpe	Single storey extension to front 10 Hampton Close , Middlesbrough , TS7 0AL	Approve with Conditions
21/0552/FUL Park	Single storey rear extension 20 Willows Road , Middlesbrough , TS5 6RG	Approve with Conditions
21/0555/PNH Longlands/Beechwood	Single storey extension to rear 4 Pemberton Crescent , Middlesbrough , TS4 3DX	Prior Notification Not Required/No Obj
21/0560/PNH Brambles/Thorntree	Single storey extension at rear 79 Birkhall Road , Middlesbrough , TS3 9LG	Prior Notification Not Required/No Obj
21/0561/FUL Acklam	Resiting of BT public telephone kiosk Land Opposite 7 Rievaulx Drive , Middlesbrough , TS5 7NA	Approve with Conditions
21/0563/COU Central	Change of use from retail (Class E) to skills and training education centre (Class F1) 116 Linthorpe Road , Middlesbrough , TS1 2JR	Approve with Conditions
21/0562/FUL Park	Single storey extension to rear (plus new window and door in the original dwelling) 2 Megarth Road , Middlesbrough , TS5 6JJ	Approve with Conditions

21/0569/FUL Linthorpe	Single storey extension to front and rear with conversion of car port to habitable room and formation of two additional car parking spaces 149 Cambridge Road , Linthorpe , Middlesbrough , TS5 5HL	Approve with Conditions
21/0570/FUL Park	Revised application for a single storey extension to front 6 Canterbury Grove , Middlesbrough , TS5 6NS	Refused
21/0572/FUL Brambles/Thorntree	Single storey extension to rear 3 Elvington Green , Middlesbrough , TS3 8ND	Approve with Conditions
21/0577/FUL Acklam	Single storey extension to front and side (demolition of existing front and side extension) 45 Fountains Drive , Middlesbrough , TS5 7LX	Approve with Conditions
21/0575/FUL Nunthorpe	Dormer extensions to front and rear plus a new first floor window 19 Kennthorpe , Middlesbrough , TS7 0PS	Refused
21/0576/FUL Kader	Two storey extension to side, single storey extension to rear and formation of two additional car parking spaces 11 Keswick Grove , Middlesbrough , TS5 8PN	Refused

21/0580/FUL Nunthorpe	Single storey extension to rear, single storey extension to side and bay extension to front 16 Lamonby Close , Middlesbrough , TS7 0QG	Approve with Conditions
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21/0581/FUL Kader	First floor extension to side (above existing garage) 7 Cowley Road , Middlesbrough , TS5 7EU	Approve with Conditions
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21/0582/FUL Hemlington	Single storey extension to rear and conversion of garage to form a utility room 58 Keilder Rise , Middlesbrough , TS8 9HN	Approve with Conditions
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21/0583/TELPN Newport	Installation of 20m monopole with cabinet at base and associated ancillary works. Newport Road/Derwent Street , Middlesbrough	Prior Notification Refused
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21/0584/FUL Central	Erection of two storey extension (demolition of existing single storey structure) and external alterations to the building The Buttery Building , Teesside University , King Edwards Square , Middlesbrough , TS1 3BB	Approve with Conditions
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21/0585/FUL Marton East	Pitched roof/canopy extension to front (to include moving one window) 36 Barnack Avenue , Middlesbrough , TS7 8QB	Approve with Conditions
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21/0590/FUL Central	New shop front and signage 54 - 56 Albert Road , Middlesbrough , TS1 1QD	Approve with Conditions
21/0591/AMD Acklam	Non material amendment to planning application 21/0301/FUL to change roof tiles 68 Coniston Grove , Middlesbrough , TS5 7DD	Approve
21/0592/PNH Central	Single storey extension to rear 156 Waterloo Road , Middlesbrough , TS1 3JB	Prior Notification Not Required/No Obj
21/0593/PNH Ayresome	Single storey extension to rear 25 Springvale Terrace , Middlesbrough , TS5 4LU	Prior Notification Not Required/No Obj
21/0600/FUL Coulby Newham	Retrospective planning application for replacement roof to conservatory 59 The Pastures , Middlesbrough , TS8 0UL	Approve
21/0599/AMD Linthorpe	Non material amendment to planning application 18/0589/FUL to reposition window and door 11 Broadgate Road , Middlesbrough , TS5 5LP	Approve
21/0609/PNH Linthorpe	Single storey extension to rear 12 Thornfield Grove , Middlesbrough , TS5 5LG	Prior Notification Not Required/No Obj

21/0633/PNH Linthorpe	Single storey extension to rear 23 Wroxton Close , Middlesbrough , TS5 7AF	Prior Notification Not Required/No Obj
21/0634/AMD Coulby Newham	Non-material amendment to planning approval 21/0262/FUL to increase the width of the patio doors 63 Ash Hill , Middlesbrough , TS8 0SX	Approve
21/0635/FUL Acklam	Single storey extension to side 2 Biggin Close , Middlesbrough , TS5 7JU	Approve with Conditions
21/0640/TCA Linthorpe	Removal of 1no Leylandi and hedges 14 Barker Road , Middlesbrough , TS5 5ES	Approve

5 October 2021

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