

PLANNING AND DEVELOPMENT COMMITTEE

Date: Thursday 12th October, 2023
Time: 1.30 pm
Venue: Mandela Room

AGENDA

No site visits will be held prior to the meeting

1. Welcome and Introduction
2. Apologies for Absence
3. Declarations of Interest
4. Minutes - Planning and Development Committee - 21 July 2023 3 - 6
5. Schedule of Remaining Planning Applications to be Considered by Committee 7 - 88

Schedule – Page 7
Item 1 – 20 Fountains Drive – Page 9
Item 2 – Land South West of Grey Towers Farm – Page 27
Item 3 – Public Space North of Caldicotes Primary – Page 57
Item 4 – The Avenue Play Park – Page 67
Item 5 – 8 Farmside Mews – Page 79
6. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin
Director of Legal and Governance Services

Wednesday 4 October 2023

MEMBERSHIP

Councillors J Rostron (Chair), I Blades (Vice-Chair), D Coupe, J Ewan, M McClintock, I Morrish, M Nugent, J Platt, J Ryles and G Wilson

Assistance in accessing information

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

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on Friday 21 July 2023.

PRESENT: Councillors J Rostron (Chair), D Coupe, M McClintock, I Morrish, J Platt, J Ryles, J Thompson and G Wilson

ALSO IN ATTENDANCE: C Cooke - Elected Mayor (Elected Mayor and Executive Member for Adult Social Care & Public Health), S Dean, P Storey (Deputy Mayor and Executive Member for Education and Culture), Ball, Brown, Bullock, Churn, Fitt, Haiggs, Hazley, Humphrys, Koszyczarek, Lawson, Leyland, Mawson, Murphy, Quyoon, Royal, Stone and Wilson

OFFICERS: S Bonner, P Clarke, C Cunningham, R Harwood, C Lunn, Moody, A Pain and S Thompson

APOLOGIES FOR ABSENCE: Councillors I Blades, J Ewan and M Nugent

22/6 **DECLARATIONS OF INTEREST**

Name of Member	Type of Interest	Item/Nature of Interest
Councillor M McClintock	Non-Pecuniary	Agenda Item 5, Item 2 – The Avenue Play Park – Ward Councillor.

22/7 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 16 JUNE 2023**

The minutes of the meeting of the Planning and Development Committee held on 16 June 2023 were submitted and approved as a correct record.

22/8 **SCHEDULE OF 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.

22/0570/MAJ Erection of a new discount foodstore (use class E) with access, car parking, landscaping and other associated works at Cleveland College of Art and Design, Green Lane, Middlesbrough, TS5 7RJ for Lidl Great Britain Limited.

The Head of Planning explained that following publication of the Committee report, further information had been received from the applicant which sought to amend the scheme.

In order to ensure that due consideration could be given and a robust decision taken, it was requested that the application be deferred with the intention that further consultation be undertaken with the public; the application would be considered by the Committee in September. Members agreed to this approach.

ORDERED that the application be **Deferred** for consideration at the 14 September 2023 meeting of the Planning and Development Committee.

23/0166/FUL Installation of play equipment at The Avenue Play Park, Nunthorpe, Middlesbrough, TS7 0AG for Craig Coverdale.

In order to address Members in his role as Ward Councillor, Councillor McClintock recused himself from the Committee for consideration of this item

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

The Head of Planning advised that the purpose of the application was to seek planning approval for the installation of additional play equipment at The Avenue Play Park in Nunthorpe.

Members were shown several images of the site and the existing facilities.

The site related to The Avenue Play Park, which formed part of a larger area that was defined as Primary Open Space within the Council's Local Plan. The application sought approval for additional play equipment within this designated play park, which consisted of a Children's Trim Trail comprising seven individual play items, and an activity area consisting of monkey bars, a stretch/fitness station and a basketball hoop.

Following consultation, six objections had been raised from residents with regards to Anti-Social Behaviour, increased traffic, safety and intimidation, litter, and placement of certain pieces of equipment. Matters were also raised regarding CCTV at the site and request for additional coverage and lighting. The Head of Planning indicated that the Parish Council had also issued reservations regarding the scheme, which related to the location of the proposed equipment, potential Anti-Social Behaviour and noise disturbance.

It was explained to Members that the area was effectively a green space and was already an established play park; key issues for consideration related to the impact on the amenity, character and appearance of the area.

Reference was made to the existing play equipment located on the site, which in effect demonstrated that this proposal was in keeping with the area, and to the concerns relating to the proposed facilities and their close proximity to the footpath. It was indicated that the facilities would be almost equidistant to existing residential buildings (between 50-70 metres depending upon direction), and there was a degree of natural surveillance as well as existing CCTV coverage in place. It was explained that Anti-Social Behaviour could take place regardless of facilities or the area.

Taking all of this into account, it was considered that the proposal would not have an adverse impact on the character of the area and would update the existing equipment, which would provide a complementary addition to the existing established play park and would be of public benefit. It was also considered that the equipment was shown in positions that would limit any impacts associated with the use of the equipment on residential amenity and highway safety; the officer's opinion was therefore to recommend approval.

A Member made reference to the proposed equipment and queried whether it was of a standard design for such play areas. In response, the Planning Officer explained that, to the best of his knowledge, it was. The Member subsequently queried the age range to which the play equipment would cater. The Planning Officer advised that the new equipment would provide for a variety of different age groups.

One objector to the application was elected to address the Committee.

In summary, the objector advised that:

- There were shops in the local vicinity and the area was well kept at the present time.
- The three additional items being proposed were substantial and not in the correct or appropriate place. For example: the basketball hoop was proposed for placement in a wet area; almost as though no site visits had been carried out.
- There was not an acceptable clearance between the footpath and equipment; the plans suggested that this would be one metre and three feet. It was felt that further work and consideration was required by the applicant to ensure that the proposed scheme would work. At present, the equipment would be against the positing of three areas.
- In terms of consultation, there had not been any undertaken with residents. The objector politely called on the Committee to refer the application back to the applicant, for consultation work with residents to be carried out.
- The play park was first installed in 1982; equipment had been added and the facilities expanded on three separate occasions since this time. It was acknowledged that the facilities were good and well used but it was felt that further expansion, which in the

opinion of the objector would result in more Anti-Social Behaviour, was not necessary. The footpath running alongside the play park also provided a main throughfare for residents.

A Member acknowledged the objector's point regarding consultation with residents and the importance of this. The Member queried whether any consultation activity had taken place when previous equipment was installed. In response, the objector indicated that there had been consultation with officers on the previous occasions, but not this time. The Head of Planning advised that consultation was to be undertaken by the applicant with the community and was not connected with the planning application. If Members of the Committee held concerns in this regard, there was the option of requesting that the applicant review the application and/or undertake any further work before a decision was taken.

A Member queried whether the application could be deferred. The Head of Planning indicated that from the perspective of planning there were no issues with the application, but the community had expressed concern. There was opportunity for the applicant to engage with residents to understand whether there was a more preferred location from their perspective, and to explore this in more detail. The Member suggested that this could be a positive approach.

A Ward Councillor briefly addressed the Committee, expressing support for the comments made by both the objector and the Head of Planning.

A discussion ensued and, in summary, Members felt it appropriate for the application to be deferred and the applicant requested to undertake further consultation with residents.

ORDERED that the application be **Deferred** to enable further consultation to take place between the applicant and residents.

At this point in the meeting, Councillor McClintock re-joined the Committee

22/9

APPLICATIONS APPROVED BY THE HEAD OF PLANNING

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

A discussion ensued in relation to the presentation of the information. Members felt that the information was presented in too small a font, and that further clarity could be achieved by dividing the planning applications into Wards. The Head of Planning indicated that recent changes in IT systems had posed some difficulties, but this matter would be looked into.

A Member commented that there were many applications to review and queried whether these could be condensed. In response, the Head of Planning advised that the only way that could happen would be for him to not determine applications, which was not a possibility. It was indicated that owing to the summer recess, the next list to be provided in September would likely be longer to take into account the extended period between meetings.

AGREED that:

1. The Head of Planning would review the issues raised in respect of the presentation of the information; and
2. The information, as presented, be noted.

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Agenda Item 5

Planning & Development Committee Schedule - 12-Oct-2023

Town Planning applications which require special consideration

1	<p>Reference No: 22/0259/FUL</p> <p>Ward: Acklam Ward buffer = Acklam Ward buffer = Kader Ward buffer = Longlands & Beechwood</p>	<p>Applicant: Mr John Bradley</p> <p>Agent:</p>	<p>Description: Erection of 1no. detached dwelling</p> <p>Location: 20, Fountains Drive, Middlesbrough, TS5 7LJ</p>
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2	<p>Reference No: 22/0270/MAJ</p> <p>Ward: Nunthorpe Ward buffer = Marton West Ward buffer = Nunthorpe</p>	<p>Applicant: Fordy Farms (Ingleby) Ltd</p> <p>Agent: AMS Planning, Architecture and Development</p>	<p>Description: Erection of 8no. dwellings</p> <p>Location: Land South West of Grey Towers Farm</p>
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3	<p>Reference No: 22/0729/COU</p> <p>Ward: Brambles/Thorntree Ward buffer = Brambles & Thorntree</p>	<p>Applicant: Middlesbrough Council</p> <p>Agent: Groundwork NE & Cumbria</p>	<p>Description: Creation of play area, erection of perimeter fence and installation of new surfacing and play equipment</p> <p>Location: Public space north of Caldicotes Primary</p>
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4	<p>Reference No: 23/0166/FUL</p> <p>Ward: Nunthorpe Ward buffer = Marton East Ward buffer = Nunthorpe</p>	<p>Applicant: Middlesbrough Council</p> <p>Agent:</p>	<p>Description: Installation of play equipment</p> <p>Location: The Avenue Play Park, Nunthorpe, Middlesbrough, TS7 0AG</p>
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5	Reference No: 23/0272/FUL Ward: Marton West	Applicant: Daniel Raistrick Agent: P.D.S. Architectural Plans	Description: Erection of outbuilding to rear Location: 8 Farmside Mews, Middlesbrough, TS8 9UR
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APPLICATION DETAILS

Application No:	22/0259/FUL
Location:	20, Fountains Drive, Middlesbrough, TS5 7LJ
Proposal:	Erection of 1no. detached dwelling
Applicant:	Mr John Bradley
Agent:	Mr Sean Mclean
Ward:	Acklam
Recommendation:	Refuse

SUMMARY

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

The application site is located on a corner plot at the junction of Sledmere Drive and Fountains Drive in a predominantly residential area of Acklam. The design of the property has a double frontage with the main front entrance facing towards Sledmere Drive with a section of two-metre-high fence positioned along part of the side boundary along Sledmere Drive.

This proposal will 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 installation of a front driveway at the host property at 20 fountains Drive, all of which falls within the permitted development regulations and does not require planning permission.

The application site has been granted permission previously for a detached 2 storey property (2012) and a separate application for a dormer bungalow on the site (2015). The site lies within the limits of development and within a residential area.

A recent planning application for a two-storey dwelling was refused at planning committee in September 2021 on the grounds that the scale, design and position of the proposed property would 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.

The refusal decision was upheld by the planning inspector in January 2022. The inspector commented that the proposed dwelling would occupy a large proportion of the open garden at the side of the host dwelling (20 Fountains Drive) with the property having similar proportions to the neighbouring houses and similar materials. The inspector commented that whilst the new dwelling would fall in line with established front building line it would have a significantly

deeper floor plan which meant at the rear it would project beyond the rear elevations of the neighbouring houses by approximately 5 metres in total, albeit it only 2.5 metres would be two storeys. The inspector concluded that by virtue of its scale, bulk and almost featureless gable wall the dwelling would be dominant and incongruous in this prominent corner location and would be harmful to the character and appearance of the surrounding area, contrary to Policy DC1.

Following a consultation exercise there have been 41 objections received from neighbours and an objection from councillor Sheila Dean and councillor Eric Polano. The objections relate primarily to loss of privacy, light and outlook, overbearing impact, noise and disturbance, pollution, dust, overdevelopment, out of keeping with the area, covenant in place that no development on corner plots, precedent, previous application refused at committee and upheld at appeal, contrary to Middlesbrough's green policy, highway and pedestrian safety issues with loss of visibility on the corner will create a blind spot, parking issues both during and after construction and there is no requirement for the development as sufficient housing supply.

The revised design and reduced scale of the proposed dwelling from the previous submitted scheme in 2021 are considered to achieve a property which is in keeping with the scale, design and character of the existing semi-detached two-storey properties along Fountains Drive. The separation distances, location of the dwelling and the position of the windows/doors in relation to other properties are considered to ensure the privacy and amenity of the neighbouring properties will not be significantly affected. The proposed vehicle access to the rear of the property taken from Sledmere Drive is sufficient distance from the junction to ensure no impact on the existing visibility splays, whilst providing adequate parking provision for the proposed dwelling with no notable additional impacts on highway safety. The revised plans are considered to accord with Local Plan Policies DC1, CS4, CS5 and H11.

Notwithstanding the above, the proposal has failed to provide any mitigation measures or secure the required mitigation credits to address the increase in nutrients provided from the proposal and is therefore considered contrary to Local Plan Policies CS4(J) and DC1(a), the NPPF and the legal requirements of the Conservation of Species and Habitat Regulations 2017.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is an area of residential garden located to the north of the existing dwelling at 20 Fountains Drive. The site is located on the corner of Fountains Drive and Sledmere Drive. To the east of the site is a bungalow at 22 Sledmere Drive and to the north are bungalows located at 27 and 29 Sledmere Drive and 18 Fountains Drive. Directly opposite to the west are bungalows at 1 North Wood and 15 Fountains Drive.

The proposal is for a detached three bedroomed dwelling with a driveway for three cars and garden space. The main entrance to the dwelling and the driveway access will be off Sledmere Drive. The dwelling will be two-storey with a pitched roof design and maximum ridgeline roof height of 7 metres. The design of the dwelling includes a single storey off-shoot to the elevation fronting Fountains Drive with the overall building footprint being 51.6 square metres. The main two-storey elevations will be in line with the existing front building lines along Fountains Drive and Sledmere Drive.

The proposed materials will be multi red facing brickwork, slate effect roof tiles and anthracite grey Upvc windows with tegular block paving for the driveway.

The boundary treatment will be a 2-metre-high close boarded fence sited along the northern boundary of the application site to be set back 2 metres from the footpath along Sledmere Drive. A set of gates will be placed across the driveway set back 5 metres from the footpath. The proposal includes the demolition of the existing detached garage (which has now been removed from site), relocation of the existing entrance door and first floor bedroom window from the side elevation to the front elevation and installation of a front driveway at the host property at 20 fountains Drive, all of which falls within the permitted development regulations and does not require planning permission.

The proposal is supported by a design and access statement.

PLANNING HISTORY

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

M/FP/0614/15/P - Erection of 1no dormer bungalow with detached garage and landscaping (demolition of existing garage), refused July 2015.

The reason for refusal were the scale and position within the plot in relation to the surrounding housing layout and built form creating an undue impact on the appearance and character of the area due to the prominent corner plot position.

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

21/0290/FUL – Erection of 1no detached dwelling, refused at committee in September 2021 and dismissed at appeal in January 2022.

The committee refusal was on the grounds that the proposed property, as a result of its scale, design and position, would 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.

The appeal was dismissed. The inspector commented that the proposed dwelling would occupy a large proportion of the open garden at the side of the host dwelling with the property having similar proportions to the neighbouring houses and similar materials. The inspector commented that whilst the new dwelling would fall in line with established front building line it would have a significantly deeper floor plan which meant at the rear it would project beyond the rear elevations of the neighbouring houses by approximately 5 metres in total, albeit it only 2.5 metres would be two storeys. The inspector concluded that by virtue of it's scale, bulk and almost featureless gable wall the dwelling would be dominant and incongruous in this prominent corner location and would be harmful to the character and appearance of the surrounding area, contrary to Policy DC1.

PLANNING POLICY

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

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

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

Middlesbrough Local Plan

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

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).
- Stainton and Thornton Neighbourhood Plan (2022)

National Planning Policy Framework

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

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

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

- Facilitating the sustainable use of minerals.

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

DC1 - General Development
CS5 – Design
CS4 - Sustainable Development
UDSPD - Urban Design SPD
H11 - Housing Strategy

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

There have been 41 objections received following the neighbour consultation and the site notice.

Objection comment has been received from Ward Councillor Sheila Dean and Councillor Eric Polano.

The objection comments are summarised as follows:-

Amenity

- Overlooking
- Loss of privacy particularly directly into the windows of 1 Northwood and 15 Fountains Drive, particularly from the first floor into the two large front facing windows of the bungalows.
- Overbearing and loss of light to 1 Northwood and 15 Fountains Drive
- Noise and disturbance in an area which is primarily elderly where we are at home 24 hours a day.
- Pollution/Dust
- Stress to residents during the build which could take months if not over a year to finish.
- Too close to my property with the house being built directly on my boundary, disrupting my new tenant and her quality of life. tenant would leave the property and would leave me with no rental income.
- Loss of outlook

Character and Appearance

- Not in keeping with the local area
- Fountains Drive and Sledmere Drive are an open plan layout, properties set back with similar appearance.
- The corner plots within the surrounding area have large gardens which is a character of the estate.
- Area is predominantly bungalows with 49 in total, 29 on Sledmere Drive, 19 on Fountains Drive, 1 Northwood. 29 Semi-detached properties on Fountains Drive in blocks of 4 but there are no 3 or 4 bedroomed detached properties all the 4 bedroomed properties are on Hall Drive on larger plots.

- Proposed development will sit almost from both ends of the boundary with the surrounding fence and is not in keeping with the existing properties so will look out of place.
- Overdevelopment
- Will set a precedent for householders with generous plots, with this being the front garden of the application site.
- Altered from a four bedroom detached 3 bedroom detached but could potentially be extended at a later date, especially as they have applied for three parking spaces which is the standards for a four bedroom property.
- Covenant in place for more than 25 years to preserve the overall look / aspect of the area.
- Previous application where seven out of the eight committee members refused the application and was dismissed at appeal for being dominant incongruous in its prominent corner location.
- Understand part of 20 Fountains Drive has been sold and shocked that you can sell part of your property for a builder to build what they like.
- Surrounding properties built in the 1960s all appear similar in terms of material the proposed property would look ridiculous and spoil the look and feel of the road.
- Land is someone's garden driveway and find it hard to believe how separate dwelling can be posed for this area.
- Middlesbrough council has a green policy so allowing front gardens to be concreted over and turned into car parks and houses to be built by anyone with a large garden is setting a dangerous precedent.

Highways

- Parking
- Highway safety
- Pedestrian/child safety as corner Sledmere Drive is a danger zone several accidents with speeding cars coming around the corner and crashing.
- Road used as a cut through from whole drive with additional traffic and the main road used for outward Academy pupils.
- New dwelling would block out light in winter causing black ice as previously occurred when conifer trees were on the site.
- Amount of vehicles, workmanship, materials involved for large build would be dangerous taking into account the location and would potentially cause further accidents.
- Will create a blind spot.
- Speeding cars fully knocked one tree over and damaged one street sign with the property also being told previously to take down some trees because of visibility issues.
- Has anyone from highways actually been to this location and if so what were the comments currently this corner is relatively safe however this will change if plans are accepted in terms of increasing street parking for visitors and the actual building of the property.
- Not happy that they propose drive is directly opposite my drive and the potential problems this could create

Housing

- No requirement for properties of this size as enough within a one mile radius that can be purchased
- Not a privacy extension for and extending family or to aid an elderly or disabled member this is a business and commercial development for financial gain.

The objection comments were received from the following addresses :-
1 , 5, 6 , 8 , 10, 15, 16, 18, 19, 21, 22, 23 (x2), 24 Fountains Drive
14, 18, 19, 21, 25, 27 Sledmere Drive
1, 2, 3, 7, 10, 45 North Wood
86 Tollesby Road

Public Responses

Number of original neighbour consultations	39
Total numbers of comments received	41
Total number of objections	41
Total number of support	0
Total number of representations	0

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

Councillor Sheila Dean

Concerns that if this build goes ahead it will cause numerous problems, making the junction of Fountains Drive and Sledmere Drive a blind bend. This would result in accidents not only with traffic but also school children coming and going to school. The traffic speed up and down those roads and it is only a matter of time before there is a serious accident.

There are a lot of corner properties in that area with large plots, if this application goes ahead it will set a precedent for other property owners to sell some of their garden to a property developer to build more houses on.

Councillor Polano

There were 40 original objectors. This has not changed. The original rejection was that it was unsuitable and would destroy the outlook of many of the surrounding properties. Is this application for a two storey house, which was rejected in the first place. Or is this for a bungalow please. In any case the dwelling would look out of place in the proposed location. The residents are really angry. I support their objections wholeheartedly.

Cleveland Police Architectural Liaison Officer

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

MBC Environmental Protection

No comments

MBC Waste Officer

No comments

Northern Gas Networks

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to

discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

PLANNING CONSIDERATION AND ASSESSMENT

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

Principle of the Development

2. The Council's Core Strategy Policies CS4 (Sustainable Development), CS5 (Design), DC1 (General Development) and Housing Local Plan Policy H11 (Housing Strategy) are relevant to this proposal.
3. Core Strategy Policy CS4(a) requires all new developments to contribute to sustainable economic development principles by making the most efficient use of land. The application site is within walking distance of major bus routes and the Newham Bridge Primary School, Beverley School, Outwood Academy and the facilities within the Saltersgill Avenue local centre. The application site is therefore considered to be within a sustainable location and accords with the guidance set out within Core Strategy Policy CS4 in these regards.
4. Housing Local Plan Policy H11 promotes the need to increase the supply of housing to meet the aspirations of the economically active population, which consolidates and builds upon the success of popular neighbourhoods within the town. Specifically, within South Middlesbrough Policy H11 emphasises the need to ensure the quality of life is maintained through protecting high environmental quality of the area and any new development to be of a high quality and density appropriate to the location. With any new housing being required to be sustainable and be a balanced mix.
5. The National Planning Framework (NPPF) 2021, paragraph 11 establishes a presumption in favour of sustainable development and through its core planning principles encourages the planning system to promote economic development, including the provision of new housing, seeking high quality design and re-using land that has not been previously developed.
6. The application site forms part of the existing residential curtilage of the host property at 20 Fountains Drive. The principle of a residential dwelling on the site was previously considered and approved by two separate planning applications in 2012 and 2016. Whilst the subsequent 2021 application was refused, the reasons for refusal were the impact on the character and appearance and amenity and not the principle of development of the site.
7. The existing street scene has a mixture of house types with semi-detached and detached bungalows alongside semi-detached and detached two-storey properties. The proposed two-storey detached dwelling is considered to provide a modest contribution to the existing housing supply. Having taken into consideration the context

of the existing housing supply within the area, the location of the proposed dwelling is considered acceptable.

8. The application site is considered to be within a sustainable location and is therefore considered to accord with the guidance set out in Local Plan Policies H11 (Housing Strategy) and Core Strategy CS4 (a).

Character and appearance

Design/Layout - Local and National Policy Guidance

9. The Council's Core Strategy Policy CS5 (c) comments that all development proposals should '...*secure a high standard of design for all development, ensuring that it is well integrated with the immediate and wider context.*'
10. Policy CS5 (k) comments that all new development should enhance both the built and natural environment.
11. Policy DC1 (b) 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.*'
12. The Middlesbrough Urban Design SPD (UDSPD), adopted January 2013, provides design guidance for development, including for householder / domestic extensions (Section 5) and is considered to be in accordance with the NPPF in general terms and is therefore a material planning consideration and decisions should reflect the guidance within the SPD unless other material planning considerations suggest it is appropriate to do otherwise.
13. The UDSPD recommends some basic principles are applied to development which is aimed at achieving good quality development, these being, to achieve consistent design (window style and proportions, roof pitch etc.), consistent materials and fenestration detailing, subservience (to prevent overbearing or dominance), no dominance over neighbouring windows (to limit affects on daylight), avoiding flat roofs or large expanses of brickwork, preservation of building lines where appropriate and achieving adequate levels of privacy.
14. Specifically in relation to corner plots paragraph 5.4 (j) comments that '...*corner plots occupying sensitive locations within street scenes will require careful attention to design, in order to preserve building lines, appropriate areas of open space and include a level of detailing to avoid blank facades.*'
15. The National Design Guide (NDG) adopted in January 2021 establishes ten key characteristics of good design which interact to create and overall character of a place and applies to proposals of all sizes. Including the development context, identity, built form, movement, nature, public spaces, uses, homes & building, resources and lifespan. The ten key characteristics set out within the NDG have been used to assess this development.
16. The National Planning Policy Framework (NPPF) 2021 establishes that good design is a key to achieving sustainable development. The 2021 revisions to the NPPF include

revisions to Chapter 12 'Achieving well designed places' and comments that Local Authorities should provide design guides in accordance with the principles set out in the National Design Guide and National Design Guide Model to enable new development to reflect the local character and to provide design preferences.

17. Paragraph 130 of the NPPF sets out that planning decisions should ensure developments '*...function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development*' and are '*...visually attractive as a result of good architecture, layout and appropriate and effective landscaping.*'
18. Specifically, within paragraph 130 of the NPPF reference is made to new development being '*.... sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*' with a '*....high standard of amenity for existing and future users.*'
19. The NPPF paragraph 134 sets out that development which is '*....not well designed should be refused , especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents*'. With '*...significant weight given to development which reflects local design policies and government guidance on design, taking into account any local design guides and supplementary documents such as design guides and codes*'

Design/Layout Assessment

Context

20. Within the immediate vicinity of the application site is a mixture of house types and designs. To the south along Fountains Drive are two-storey semi-detached properties with single storey garages to the side and directly opposite the application site are semi-detached bungalows along Fountains Drive and North Wood. To the north and north-east of the application site are semi-detached bungalows along Sledmere Drive with an area of open space located to the north on the corner of Sledmere Drive and Fountains Drive.

Assessment – site layout

21. The proposed siting of the dwelling within the plot will retain the established front building line of the existing properties along both Fountains Drive and Sledmere Drive. With the north elevation in-line with the front elevations of the bungalows to the east along Sledmere Drive and the west elevation (excluding the single storey lean to) being in-line with the existing building line of the two-storey dwellings on the eastern side of Fountains Drive. The properties position is such that it would retain an area of open grass to its frontage and the side, with boundary treatments set back from the pavements along Fountains Drive and Sledmere Drive.
22. Objection comments have been received regarding the scale of the dwelling and the fact the proposal is for a detached two-storey dwelling in contrast to the designs of the bungalows along Sledmere Drive and the semi-detached properties along Fountains Drive.
23. Whilst the concerns are noted that the proposal is for a two-storey detached dwelling and not a bungalow there are existing two-storey dwellings within the immediate

vicinity of the site. The property is a two-storey detached property which sits to the north of an existing row of two-storey semi-detached properties along Fountains Drive and within the context of the detached and semi-detached bungalows along Sledmere Drive and Fountains Drive. It is considered to be in keeping with the scale of built form in the surrounding environment.

24. The proposed dwelling has an overall width of 6 metres which is comparable to the widths of the semi-detached properties along Fountains Drive with the overall height of the dwelling being comparable to the semi-detached properties along Fountains Drive. The footprint at 51.5 square metres is only slightly larger than the original footprints of approximately 47 square metres for the semi-detached two-storey properties along Fountains Drive with some of these properties now having been extended.
25. The rear building line of the dwelling extends only 0.5 metres beyond the original building line of the rear elevations of the semi-detached properties along Fountains Drive. It should be noted that several of the semi-detached properties immediately to the south of the application site have extended the rear elevations. With 19 Fountains Drive having a two-storey side/rear extension and 22 and 24 Fountains Drive having single storey rear extensions.
26. The proposed scale of the dwelling is therefore considered to be comparable to the scale of the existing semi-detached properties on Fountains Drive and has addressed the concerns raised by the Inspector on the previous refused application in terms of the overall bulk and scale of the dwelling.

Assessment - Design

27. Objection comments have been received that the design of the two-storey dwelling will not be in keeping with the 1960's bungalows. The properties along Sledmere Drive are bungalows with the properties located opposite the application site also being bungalows at 1 North Wood and 9, 11 and 15 Fountains Drive. There is however a mixture of house types within the immediate vicinity of the application site and the immediate run of properties along Fountains Drive are 2 storey dwellings. The proposed property is in keeping with the overall scale of these properties and would appear as a continuation of the row of two-storey properties along Fountains Drive.
28. Objection comments have been made regarding the fact corner plots within the street are open plan and the proposal would be out of character with this characteristic. The location of the proposed dwelling will see the loss of part of the existing side/rear garden of the original host dwelling which will result in the loss of an element of the existing open nature of this corner site. The design of the plot has ensured an open space area is retained on the corner of the site at the junction of Fountain Drive and Sledmere Drive with the proposed 2-metre-high fence only enclosing a small section to the side of the dwelling and the rear garden area. The site layout design has ensured the proposed dwelling will not dominate the views and character and appearance of this corner site.
29. The design of the dwelling provides the main entrance door on the elevation facing towards Sledmere Drive with hanging tile detailing between the entrance door and first floor window. An additional set of french doors and landing window are located on this elevation. The design of this elevation is almost identical to the design of the side

elevation of the original host property (20 Fountains Drive). The additional window and door openings on this elevation are considered to have addressed the design concerns raised by the planning inspector in relation to the previous refused application where the Inspector considered the proposal had a featureless gable elevation.

30. The elevation facing towards Fountains Drive has been designed with a modest forward projecting section with pitched roof which is a similar scale and appearance to an entrance porch with hanging wall tile detailing between the ground and first floor windows. The design and window proportions on this elevation replicate the existing front elevation design of the semi-detached properties within Fountains Drive.
31. The proposed materials for the dwelling will be red-multi faced brickwork with slate effect roof tiles to match the existing properties within the street scene. The windows will be grey anthracite upvc windows. Whilst the colour of the windows differ from the existing white upvc windows within the street the existing properties could alter their window colouring without requiring planning permission.
32. An objection has been received that the proposal is for a 3 bed property and could subsequently be extended to a four-bedroom property which would impact on the appearance and scale of the dwelling. Particularly as the parking provision is in accordance with a four-bedroom property. Given the prominent location of the site and the potential impact of an extension to the appearance of the property (supported by the previous inspectors decision in relation to scale and bulk), a condition could be recommended to remove the permitted development rights for the property should the application be approved and this would require any future extensions to require planning permission and therefore be able to be considered at that time.
33. Overall, the site layout design, the scale and mass of the proposed dwelling within the site and its design is considered to be in keeping with the character of the site and surrounding area in accordance with Core Strategy Policies DC1 (b), CS5 (c&k), UDSPD, National Design Guide and paragraph 130 of the NPPF.

Amenity

34. Core Strategy Policy DC1 (c) comments that all new development should consider the effects on the amenities of the occupiers of nearby properties both during and after completion.
35. Paragraph 130 of the NPPF sets out that consideration should be given to development providing a '*...high standard of amenity for existing and future users*'.
36. The Council's Urban Design Supplementary Planning Document (UDSPD) Section 5 sets out specific guidance in terms of the potential impact of new residential development on the privacy and amenity of the neighbouring properties. The individual paragraphs reference extensions, however the basic principles set out within this criteria do apply to new housing development, given the heading of this section of the SPD.
37. Reference is made within paragraph 5.4(d) to the fact that new development should not dominate neighbour's windows which could potentially impact the amount of light to the neighbours. Further consideration is given to the potential overbearing impact of development within paragraph 5.4 (f), that comments an overbearing impact can be

caused by the presence of an expanse of proposed brickwork which should be avoided, particularly where it impacts on a neighbour's primary room windows.

38. The UDSPD guidance provides guidance within paragraph 4.9 on privacy distances for new developments. The guidance sets out that a minimum of 21 metres unobstructed distance between principal room windows that face each other for buildings over single storey and 14 metres for single storey proposals. The guidance sets out that primary windows refers to living and dining rooms but not bedroom windows.
39. Objection comments have been received that the proposal would result in loss of privacy/outlook, overbearing, overshadowing and increase in noise and light pollution from traffic, stress during construction.
40. The application site is located on a corner plot with residential properties surrounding the site. The proposed dwelling will be orientated so the front elevation faces towards the semi-detached bungalows at 1 North Wood and 15 Fountains Drive. The main habitable room windows on the front elevation will be positioned approximately 21.7 metres from 1 North Wood and 15 Fountains Drive. With the remaining separation distance between habitable rooms according with the 21 metres privacy guidance distance set out within the Council's Urban Design Supplementary Planning Document (UDSPD) and so there is considered to be no significant issues in terms of loss of privacy.
41. The windows on the rear elevation will be a kitchen/dining room window, bathroom and bedroom window. There will remain a minimum separation distance of approximately 19.2 metres between these three windows and the side elevation of the neighbours at 22 Sledmere Drive, exceeding the Council's UDSPD (paragraph 4.9) guideline distance of 14m and is therefore considered to have no notable adverse impacts on privacy and amenity in this regard.
42. The proposed dwelling will provide a bathroom and bedroom window on the first-floor rear elevation that will face towards the front garden area at 22 Sledmere Drive. The current front garden area at 22 Sledmere Drive is an open garden and not an enclosed private space so the impact on the privacy of the users of the front garden area is considered not to be significant. The first-floor windows will be at an oblique angle to the rear garden area at 22 Sledmere Drive with no direct overlooking.
43. The north (side) elevation of the proposed dwelling will have a bi-folding doors, entrance door and windows that will face towards the front elevation of 29 Sledmere Drive and the side elevation of 18 Fountains Drive. A minimum separation distance of 37 metres will remain between the proposed windows and the neighbours at 29 Sledmere Drive and 18 Fountains Drive, which exceeds the 21 metre privacy distance suggested in the Council's UDSPD.
44. The front and rear elevation windows of the proposed dwelling will be at an oblique angle and will not directly face any habitable room windows or the garden areas of the host property at 20 Fountains Drive. The proposal is therefore considered not to have any significant impact on the privacy of the host property at 20 Fountains Drive.

45. Objections have been received that the proposed two storey dwelling will be overbearing to the neighbouring bungalows, however, in view of the proposal continuing the existing building line, meeting design guide spacing standards and being of a suitable scale and massing, it is considered that the proposed dwelling would not be overbearing on the surrounding properties or their associated amenity space and would not result in a significant loss of light associated with other properties. It is noted that light to the rear garden of 20 Fountains Drive would be affected during the morning but not in the afternoon and although some impact, but not significant and not notable different to affects within the estate, given the replication of plot / property layouts.
46. The rear elevation of the dwelling will project towards the bungalow located to the rear of the application site at 22 Sledmere Drive. There will remain a minimum separation distance of 15.5 metres from the rear elevation of the single storey extension and the side elevation of 22 Sledmere Drive. Given the separation distance which will be retained, the proposed dwelling is not considered to have a significant overbearing impact on the occupants of 22 Sledmere Drive.
47. In terms of potential overbearing impact on the host property, the two-storey elevation of the proposed dwelling will project a maximum of 0.5 metres beyond the existing rear elevation of host property (20 Fountains Drive). In light of the Council's UDSPD guidance that two-storey extensions to the rear are acceptable in terms of a neighbour's amenity, providing they are set in from the boundary and do not project more than 3 metres, the proposed projection distance from the rear elevation would have no significant overbearing impact on the host property.
48. Objection comments have been received regarding the potential dust and noise from the construction of the dwelling. With the proposal being for a single dwelling and not involving any significant demolition works the impact in terms of dust is not considered significant. There will be some associated noise from the construction of a new dwelling, should the noise levels be prevalent outside of normal working hours then this would be a matter which could be addressed through environmental protection legislation rather than through planning legislation.

Highway safety

49. The Council's Core Strategy Policies CS17 (Transport Strategy), CS18 Demand management) and CS19 (Road Safety) reflect the sustainable development principles of the NPPF in considering new housing development and are considered relevant to this proposal.
50. Policy CS17 requires all new development to be located where there will be no detrimental impact on the operation of the strategic network with Policy CS19 commenting that any new development should not have a detrimental impact on road safety. Policy CS18 sets out that new development should incorporate measures aimed at improving the choice of transport options.
51. Objection comments have been received that the proposal will result in an increase in traffic, pedestrian/child safety, potential accidents from creation of a blind spot on the corner location and potential issues with a new driveway being located opposite an existing driveway.

52. The existing driveway and detached garage accessed from Sledmere Drive for the host property will be removed as part of this proposal. The driveway for this application will be accessed from Sledmere Drive and sited towards the rear boundary. The driveway will be double width with access gates set back approximately 5 metres from the pavement.
53. The proposal will include providing a new driveway to the front of the host property at 20 Fountains Drive, which can be completed under permitted development without requiring planning permission.
54. The application site is located falls outside of the public highway and is not within the ownership of the Local Authority. With the land being outside of the control of the Local Authority the sightlines for vehicles at this junction cannot include this area of land with it not being in the ownership of the Local Authority. However, the sightlines which are achievable, within the public highway, are in accordance with national guidance and as such the construction of the dwelling will not have a detrimental impact on visibility or highway safety.
55. The new access driveway of the proposed dwelling will be located towards the rear boundary of the application site with access from Sledmere Drive. The new access will be set further away from the junction of Fountains Drive and Sledmere Drive and will be positioned towards an existing driveway at 22 Sledmere Drive. The location of the proposed driveway and the parking provision provided is considered in highway terms to be acceptable.
56. The comments regarding the impact of the installation of a driveway opposite an existing driveway are noted, however, this is a common occurrence within the area in terms of the location of driveway accesses.
57. The parking provision provided for both the host dwelling and the proposed dwelling is considered to be acceptable and there are no highway objections, subject to a condition that prior to occupation of the new dwelling the parking provision for both properties is completed.

Nutrient Neutrality

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

nutrient neutrality given the scale of other influences. Notwithstanding this, the LPA need to determine applications whilst taking into account all relevant material planning considerations.

59. The Local Planning Authority must consider the nutrient impacts of any development within the SPA catchment area which is considered to be 'in-scope development' and whether any impacts may have an adverse effect on its integrity that requires mitigation. If mitigation is required it will be necessary to secure it as part of the application decision unless there is a clear justification on material planning grounds to do otherwise.
60. In-scope development includes new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). This is not an exhaustive list. It also includes agriculture and industrial development that has the potential to release additional nitrogen and / or phosphorous into the system. Other types of business or commercial development, not involving overnight accommodation, will generally not be in-scope unless they have other (non-sewerage) water quality implications.
61. Following the completion of a Habitat Regulation Assessment this development is considered to be in scope and has been put through the Teesmouth Nutrient Budget Calculator and the details were sent to the agent to advise them of the total annual nitrogen load the development must mitigate against.
62. The agent was asked to confirm what mitigation they proposed however no information was forthcoming. Following confirmation to the agent that the application was to be refused due to the lack of a suitable mitigation scheme being provided a request was made to delay determination of the application until the credits had been purchased from Natural England. Since the submission of the application there have been two separate rounds of credits in March and July whereby the applicant could have applied for credits but have sought not to submit a credit application. Officers have sought to assist applicants through the matter of Nutrient Neutrality since it became a consideration, however, the LPA have a significant number of applications held back in the system and cannot continue to operate in this manner. Given the time period which has lapsed since the submission of the application and the lack of mitigation, officers consider it reasonable to determine the application as it currently stands. The applicant has the ability to re-apply should Nutrient Neutrality mitigation be achieved.
63. As a result of no suitable mitigation being provided, this development is considered to be in conflict with the requirements in relation to Nutrient Neutrality and as such a likely effect upon the SPA cannot be ruled out. Natural England have been consulted on the HRA and have confirmed that as no mitigation information has been provided they object to the proposal.

Residual matters

64. Objection comments have been received that the proposal will set a precedent for development on corner plots within the estate and the loss of open space area. Each application is considered on it's own planning merits and the approval of this scheme would not set a precedent for future developments.

65. Objection comments have set out that there is a covenant on the site to preserve the overall outlook/aspect of the area. Any covenants on the property are legal obligations for the owner of the property and are not a material planning consideration which can be assessed as part of the application.
66. Comments have been received over the fact land can be sold and then a planning application submitted for a further dwelling. The local authority is obliged to consider and assess any application which is formerly submitted.
67. Objection comments have been received regarding the loss of view. The loss of view is not a material planning consideration which can be considered as part of the application.
68. Objection comments have been received regarding the requirement for a new three bedroomed dwelling given the current levels of properties for sale in the area and the fact the dwelling is for commercial profit. These points are noted but are not material planning considerations.
69. Objection comments relate to the lack of consultation from one property in relation to the proposal. A total of 39 neighbours were consulted on the application and a site notice placed opposite the site to ensure wider publicity. Officers are satisfied with the level of consultation undertaken.

RECOMMENDATIONS AND CONDITIONS

Refused

1. Nutrient Neutrality

The proposal would result in an increase in population and a consequential increase in waste water and nutrients (specifically nitrogen) entering into the drainage system which would, in turn, add to existing nutrient burdens within the River Tees. Unmitigated, this proposal would have an adverse impact on the Teesmouth and Cleveland Coast Special Protection Area, which would be contrary to Local Plan Policies CS4 (j) and DC1 (a) and the NPPF and would fail to meet the legal requirements of the Conservation of Species and Habitat Regulations 2017.

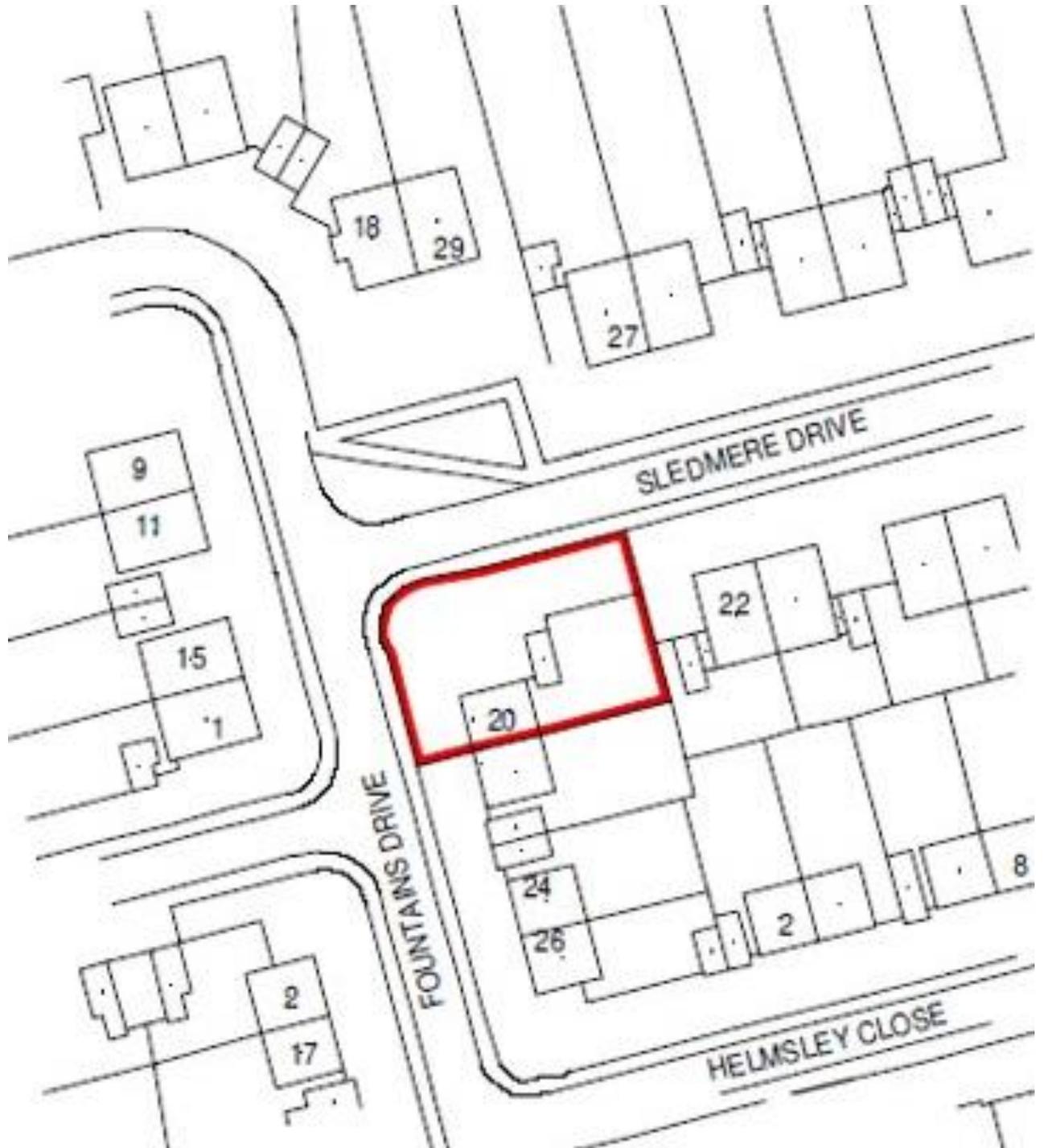
INFORMATIVES

None

Case Officer: Debbie Moody

Committee Date:

12th October 2023



APPLICATION DETAILS

Application No:	22/0270/MAJ
Location:	Land South West of Grey Towers Farm
Proposal:	Erection of 8no. dwellings
Applicant:	Fordy Farms (Ingleby) Ltd
Agent:	Philippa Baruch, AMS Planning, Architecture and Development
Ward:	Nunthorpe
Recommendation:	Approve with Conditions

SUMMARY

Permission is sought for the erection of 8 dwellings with associated access and landscaping on land to the west of Grey Towers Farm.

Following a consultation exercise objections were received from 11 properties and support was received from 2 properties, the Community Council, Nunthorpe Parish Council and a Ward Councillor.

The majority of the site (approximately 72%) is allocated for housing in the Local Plan, the remaining 28% is outside the limits of development. For the reasons set out in this report the principle of residential dwellings on this site is considered to be acceptable given the majority being within the limits of development and the change in circumstances of the overall site since the adoption of the Local Plan Policy relative to this matter.

It is considered that the proposed development would provide dwelling types which are of a high quality design, in an attractive mews / agricultural building layout with positive landscape setting. The density, design, housetypes and layout are sympathetic to the historic use of part of the site that was within the grounds of Grey Towers Farm and the proposed development is considered would successfully transition from housing within the conservation area and historic farm setting to meet the neighbouring new build development.

The development will not result in a significant detrimental impact on the amenities of existing local residents or the highway network. The development will enhance the biodiversity of the site through significant landscape and ecology works.

The development meets the requirements of the relevant national planning policies detailed within the NPPF and Local Plan policies, specifically H1, H10, H11, H28, H31, CS4, CS5, and DC1. The recommendation is for approval with conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is an area of open space located to the west of Grey Towers Farm, to the east of Sessay Grange and to the north of Collingham Drive. The site is in a residential area with houses to the west and to the north which are part of the ongoing Grey Towers development. The houses to the north are separated by an area of open space. To the east is Grey Towers Farm which is a residential dwelling set in its own grounds. To the south are houses that are part of a recent development which are separated from the site by a bridleway.

Approximately 72% of the application site is allocated for housing in the Local Plan as part of the Grey Towers site. The remaining 28% of the application site (the section located to the southeast) is outside the limits of development in the Local Plan and is part of the Nunthorpe Conservation Area.

Permission is sought for the erection of 8 no. dwellings with associated works including the creation of an access road, a relocation of the existing public right of way that runs through the site and landscaping and biodiversity works.

PLANNING HISTORY

20/0753/FUL – Erection of 9 detached dwellings
Withdrawn 21st April 2021

M/FP/0769/07/P – 3no. two storey dwellings and 2no. single storey dwellings with associated works
Refused 3rd December 2007

M/FP/0528/97/P – Conversion of old farm buildings to 5no. dwellings (whilst the description stated conversion the approved plans were for new buildings to replicate the conversion of the dilapidated farm buildings on the site).
Approved with conditions 11th August 1997

PLANNING POLICY

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

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

Middlesbrough Local Plan

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

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).
- Stainton and Thornton Neighbourhood Plan (2022)

National Planning Policy Framework

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

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

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

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

DC1 - General Development, CS5 - Design, CS4 - Sustainable Development, CS17 - Transport Strategy, UDSPD - Urban Design SPD, H1 - Spatial Strategy, H11 - Housing Strategy, NDS - Nunthorpe Design SPD, E20 - Limit to Urban Development, E22 - New Housing in Countryside, H28 - Land at Grey Towers Farm, CS18 - Demand Management, CS19 - Road Safety, CS6 - Developer Contributions, MWC1 - Minerals Strategy, MWC4 - Safeguarding Minerals, MWP1 - Waste Audits

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

CONSULTATION AND PUBLICITY RESPONSES

Following a consultation exercise which included a press notice, site notice and letters to residents. Comments were received from 13 properties. Of those, 2 were in support of the application and 11 were in objection. The comments are summarised below.

Resident's comments in support:

- a) Land is derelict and an eyesore;
- b) Land is security issue with fly tipping and antisocial behaviour;
- c) Development is required in terms of aesthetics and reuse of redundant site;
- d) Houses are sympathetic to the area;
- e) Thoughtful bespoke design, proportional;
- f) Exceptionally high quality to sit alongside Grey Towers Farmhouse;
- g) In keeping with what was previously on site following the footprints of the farm buildings;
- h) Good boundary plans;
- i) Right of way connection to bridlepath retained;
- j) Sensible and defensible, well thought out plan preserving the characteristics of the area;
- k) Enhance outlook; and,
- l) Reduce issues with vermin.

Support Received From:

- 1. 21 Cotcliffe Way
- 2. Grey Towers Farmhouse

Resident's comments in objection:

- a) No more houses needed;
- b) Increase in traffic;
- c) Increase in congestion;
- d) Increase in pollution;
- e) Inadequate access;
- f) Roads already in state of disrepair;
- g) Safety issues, increased number of accidents;
- h) Conservation area already harmed by housing;
- i) Pressure on schools, doctors, lack of local amenities;
- j) Over development;
- k) Higher density out of keeping with executive estate;
- l) Not in keeping with surrounding houses on Grey Towers estate;
- m) Scale and proportion of properties not in keeping;
- n) In keeping with original farm buildings but properties backing on to Sessay Grange do not represent the consideration, they are larger and imposing;
- o) Parking too small, not enough parking;
- p) Excessive hardstanding;
- q) No amenities so not a 'village feel';
- r) Loss of privacy;
- s) Light pollution;

- t) Access to public transport is limited;
- u) Poor local facilities;
- v) Impact on human rights;
- w) Loss of green space;
- x) Loss of flora and fauna;
- y) Impact on wildlife;
- z) Shrubs, trees and grass were cut during nesting season;
- aa) Ecology survey is incorrect as we have newts in a pond in our garden;
- bb) Increased anti-social behaviour;
- cc) Would create a long alleyway along the bridlepath;
- dd) Impact on right of way;
- ee) No renewable energy proposed;
- ff) Would not be able to rest during the day when working nights;
- gg) Disturbance during construction;
- hh) Already a done deal, consultation is just to be seen to adhere to process, money comes first;
- ii) Still pay high council tax for nothing in return;
- jj) Issues with existing house builder;
- kk) Site could be used as children's play area;
- ll) Does not fit with the Nunthorpe Vision nineteen commitments 6 and 9.
- mm) Impact on house prices; and,
- nn) When purchasing my house I was told by the developer there would be no more development opposite my house.

Objections Received From:

1. 25 Collingham Drive
2. 29 Collingham Drive
3. 18 Cotcliffe Way
4. 12 Ellerbeck Avenue
5. 1 Sessay Grange
6. 3 Sessay Grange
7. 4 Sessay Grange
8. 5 Sessay Grange
9. 10 Sessay Grange
10. 17 Sessay Grange
11. 26 Sessay Grange

Planning Policy – MBC

As the site is no longer lies within the open countryside, and the majority of the site is within the Grey Towers housing allocation. On balance, the principle of development is considered to be acceptable.

Highways – MBC

The application has been considered in relation to access, parking, traffic generation and the appropriateness of the layout. No objections subject to necessary conditions and informatives being imposed.

Rights of Way – MBC

The development will require the existing Public Right of Way to be diverted from its legal line and this should be done before the development takes place. The width of the public footpath which runs from the bridleway to the north side of the site must be maintained to a useable legal width of 2m. Any hedges planted along the PROW must be maintained to ensure the useable width is retained.

Suitable furniture is required to restrict unauthorised access along the route but it is worth noting that due to the need to be DDA / Equality Act compliant the type of barrier at this location must have a minimum gap of 1.5m left at any squeeze point and any restriction placed on the public use of a route i.e gate, chicane, bollard etc would need to be approved by the Councils Public Rights of Way officer.

The PROW will be overlooked by plot 3. Consideration should be given to lighting to reduce the risk of antisocial behaviour.

No objections are raised subject to necessary conditions.

Local Flood Authority - MBC

It is noted that the surface water will be discharged into a dry basin to the north west of the site before discharging into the surface water network at MH 20 and then into the SUDS basin to the south west which forms part of the wider Grey Towers SuDS network. Surface Water is to be attenuated on site and then discharged at Greenfield (QBAR) runoff rate.

No objections are raised subject to necessary conditions.

Conservation - MBC

This revised proposal, by virtue of its design and siting has reduced its likely impact, in comparison to earlier schemes, on the significance of the Conservation Area. It may not result in enhancement but could be considered to preserve or sustain the significance of the Conservation Area as required by policy CS5 of the Middlesbrough Core Strategy and paragraph 197 of the NPPF.

Non-designated heritage carries less weight in the planning balance, but the impact on former Grey Towers Farm may be harmful, because the development proposed is immediately adjacent to its boundary and would join the site of its former farm buildings with neighbouring, modern, cul-de-sac residential development, resulting in the loss of distinction between the two; this could be considered contrary to paragraph 203 of the NPPF. Most of Middlesbrough's former farm buildings have had their settings built upon, many with new development adjoining their boundaries, entirely eroding their open nature and agricultural character.

No objections are raised to the revised scheme subject to conditions removing permitted development rights in order to manage change in the conservation area in perpetuity and a condition in relation to materials to ensure they are of appropriate high quality.

Waste Policy – MBC

Refuse and recycling collections can only be made from the nearest public highway. Collections cannot be made from shared drives. It would be beneficial to see a plan showing the adopted highway.

Environmental Health – MBC

No objection subject to necessary condition relating to contaminated land.

Northern Powergrid

No response

Northern Gas

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

Should diversionary works be required these will be fully chargeable.

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by Northern Gas Networks in its role as a Licensed Gas Transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where Northern Gas Networks knows these they will be represented on the plans as a shaded area and/or a series of x's. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Northern Gas Networks, its agents or servants for any error or omission. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue.

Northumbrian Water

No response

Natural England

Based on the plans submitted Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes. The development has been successful in securing credits with Natural England. No Objection subject to a condition relating to nutrient neutrality mitigation.

Nunthorpe Parish Council

Nunthorpe Parish Council object to the revised application to erect 8 dwellings on this site for the following reasons:

The area is within the Nunthorpe and Poole Conservation area and in close proximity to Grey Towers Farm house, a non-designated heritage asset and part of the historical Grey Towers Estate. The remnants of buildings, farm gate and machinery on this site add to the historical aspects. Neglect of the area by the landowner should not form a basis for development approval.

The area of land appears to have been retained by the landowner and is not included for development within the Grey Towers Village Masterplan or included within the mapped area for Grey Towers Farm of the current Middlesbrough Housing local plan 2014, which states a limit of 295 dwellings (Policy H28 Land at Grey Towers Farm). This policy has already been breached with 452 dwellings on the Grey Towers Farm Site. There should be no further increase.

Although no longer agricultural land, the area proposed for development is within a Green Wedge and identified as a greenfield area by Middlesbrough Council, is categorised as major open space in 2014 Local Plan, this green space should be preserved. In addition, it is not identified as an area for housing allocation within the proposed future Nunthorpe Neighbourhood Plan (NNP), which the Parish Council and Community Council recently consulted on. This area of land is identified as a special landscape area of the NNP for inclusion in any revised Middlesbrough Local Housing Plan.

Previous applications on this site have been refused due to the nature of the land in protecting the countryside. An abundance of wildlife remains and can be seen within this green wedge. Barn and Tawny owls, Buzzards, Heron, Geese and Swans are also regularly observed hunting across the area from the nearby Fishponds Plantation and surrounding area. Roe deer also roam nearby.

The area proposed also has a recorded Public Right of Way which links directly to a network of paths leading and giving direct access to the countryside, this should be preserved. The proposed diversion of this path is not acceptable as it adversely affects the use and appearance of a well-used current route. Resulting in a route that deviates from linking up through Grey Towers Village to Bridleway, track through Grey Towers historic area and planned network of woodland walks in the area. It is not acceptable to reroute this path into what would invade the privacy of residential dwellings, including Grey Towers Farm house. The design and position of the proposed rerouted PRoW is not enhanced by relocation. The proposed 1.8m high brick wall and 1.1m metal fences on 0.5m brick giving the appearance of an 'alleyway' which also appears to be unlit in the design specification proposed. This could lead to increased pedestrian access through the nearby residential area of Grey Towers, Sessay Grange. Having a PRoW near or through houses will cause friction between residents and walkers as it has on the neighbouring developments at Grey Towers.

The proposed development site also has within it longstanding ancient Hawthorn hedging, hosting a variety of wildlife, this should be retained and not mindlessly lost.

The proposed addition of 8 dwellings does not provide sufficient level of privacy from and for residential areas of Grey Towers Farm house, Grey Towers Park, Grey Towers Village and Grey Towers Sessay Grange areas, which are in immediate proximity and would be overshadowed by this development.

The proposed development is not in keeping with what would be expected to be included in 1.8 acres of land in similar developments. Nunthorpe continues to lack the infrastructure to support this additional development, putting further strain on local traffic, road safety, medical and educational provision.

All of which has a negative impact on the non-designated heritage asset of the area.

Councillor Mieka Smiles

I would like to object to this application on a number of grounds. Please see below.

- The proposed properties are not in keeping with the wider area: they look as though they are densely packed together and are not in the spirit of the original plans for the area, for which I'm sure will be set out in a design code.
- The development is in/very close to an important Middlesbrough conservation area.
- Ten houses could mean 20 plus cars putting extra pressure not only on the estate itself, but also the wider traffic infrastructure such as Marton Road.
- There is a very well used Right of Way that cuts through this proposal, connecting the estate to nearby countryside. This totally changes the aspect of the Right of Way, to redirect it through a tightly packed development. It certainly wouldn't be beneficial to those who currently use the right of way - nor would it be desirable for those who would live in the proposed homes.
- It means less green space and will have an impact on biodiversity and wildlife in the area.

PLANNING CONSIDERATION AND ASSESSMENT

1. During the application process, following comments from consultees and the Local Planning Authority, revised details were submitted. The revised scheme reduced the number of proposed properties from 10 to 8 and included the creation of an area additional area of landscaping to enhance biodiversity.
2. The revised scheme is the subject of this report.

Principle of Development

3. Section 38 of the Planning and Compulsory Purchase Act requires that planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise.
4. The National Planning Policy Framework (NPPF) was most recently revised and published by the Government in September 2023, 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 the closer policies are to those in the Framework (para 219).
5. The majority of the site (approximately 72%) is located within the residential allocation, Land at Grey Towers Farm. A small part of the site (approximately 28%) is located beyond the Limit to Urban Development and within the Nunthorpe and Poole Conservation Area and Policies E20 and E22 apply here. The combination of Policies E20 and E22 protect the open countryside by limiting development beyond the 'Limits to Urban Development' to that which has an essential need for the functioning of agricultural or forestry operations and which is required for occupation by workers engaged in those activities. The proposal is for general market housing, which is contrary to Policies E20 and E22.
6. The aim of Policies E20 and E22 is to protect the open countryside from inappropriate development. Officers note that Policies E20 and E22 date back to the 1999 Local Plan and that the site circumstances have changed significantly since then in that the site has modern suburban style housing developments to its north, south and west, and the Grey Tower's Farmstead to the east. The majority of the application site is allocated for housing in the 2014 local plan and through the construction of housing to three sides (through local plan allocations), the application site can no longer be considered as being within open countryside. Development of this small area would therefore not notably harm the open countryside and would therefore not affect the principle function of Local Plan Policy E20.
7. Local Plan Policy H1 identifies strategic locations for residential development, including 'land at Nunthorpe'. The majority of the application site (which includes housing, private gardens and peripheral landscaping) is within this strategic allocation with only a small part outside the allocation.
8. Policy H1 requires that outside of these strategic locations development will need to be situated in the urban area, satisfy the requirements for sustainable development

of CS4 and contribute to achieving the spatial vision and objectives of the Housing Local Plan. The small part of the site that is outside of the urban area as defined by the Limits to Urban Development is, therefore, contrary to Policy H1.

9. The housing strategy set out in Policy H11 seeks to provide a wide range of housing types including more family housing and higher value dwellings. The proposed dwellings would provide this type of housing, with a range of 3 to 5 bedroom family housing but which is of a bespoke high quality design. Policy H11 identifies South Middlesbrough as an area where the existing high environmental quality should be protected and new development should be aspirational and of high quality and a density appropriate to the location. The site is considered to meet with these requirements.
10. The site is within the minerals safeguarding area for salt and gypsum. Policy MWC4 seeks to safeguard the minerals from sterilisation. The Policy allows non-minerals development where development would not sterilise or prejudice future extraction of the mineral resource. As the site is small scale and immediately adjacent to existing residential areas its highly unlikely that it would be viable to extract the relatively widespread, low value minerals even if the site is not developed. As such, the development of the site would not have a material impact on access to the minerals.
11. Comments have been made from objectors suggesting that the number of houses already built at Grey Towers exceeds the number detailed in the Local Plan allocation for the site. It should be noted that whilst Policy H28 does specify a number of houses that will be permitted, national planning policy states that the number of acceptable houses is governed by good high quality design principles rather than any policies that specifically restrict the number of houses, and restricting based on policy numbers is considered to be out of date and not in keeping with national policy. This has been upheld in planning appeal decisions on nearby housing sites.
12. Objector comments are noted in relation to the future Nunthorpe Neighbourhood Plan and any future local plan, however, these are not adopted policy documents, and are not at the stage of their development where they have any weight on the analysis of current applications. As a result the status of this site within these emerging documents is not a material consideration.
13. The site is not allocated green wedge within the local plan, nor is it public open space, it is also outside the current special landscape area boundary. Approx. 78% of the site is allocated for housing in the local plan and the remaining 28% is unallocated and outside of the limits of development. As the site no longer lies within the open countryside, and the majority of the site is within the Grey Towers housing allocation, on balance, the principle of development is considered to be acceptable.

Highways

14. Policy CS17 requires that development is located where it will not have a detrimental impact on the operation of the strategic transport network. Policy CS18 requires that development proposals incorporate measures that improve the choice of sustainable transport options available and Policy CS19 requires that development proposals would not have a detrimental impact upon road safety.

15. Vehicular access to the proposed development will be taken from Cotcliffe Way via Sessay Grange. Cotcliffe Way is the main spine road serving the Grey Towers Farm development and as such is suitable to serve the level of development proposed. The proposed layout is acceptable for general traffic manoeuvres.
16. Parking provision exceeds the requirements of the Tees Valley Design Guide for the proposed dwellings. In addition to this 4 visitor parking bays for visitors/casual callers have been provided which will assist in managing parking within the site.
17. Traffic generated by the proposed eight dwellings will be negligible, being in the region of 6 vehicle movements during the peak periods. Such a level of traffic will not have a material impact on the operation nor safety of the highway network.
18. Whilst no vehicular swept path analysis has been provided officers have assessed the scheme and consider that the geometry of the layout is such that it will be possible to enable a refuse vehicle to enter, turn and leave the site in a forward gear. The layout as presented appears suitable for adoption which will be undertaken through separate process and technical agreement outside of planning.
19. Policy CS4 requires all development to contribute to achieving sustainable development principles. This includes been located so that services and facilities are accessible by sustainable forms of transport. The proposed development has footpaths that directly connect into pedestrian routes in the wider Grey Tower's housing site and hence would have a similar level of accessibility by sustainable forms of transport as the adjoining strategic housing site.
20. Policy H28 requires that existing bridleway and footpaths are retained and integrated with the development. A public right of way runs through the site that connects into the Grey Towers Village residential development to the north and with the bridleway to the south of the site. The proposed layout of the development retains access through the site to ensure these connections are retained. Policy D6 of the Nunthorpe Design Statement seeks the avoidance of diversion of public rights of way where it would adversely affect the use and appearance of the countryside.
21. It is proposed to relocate the part of the PROW which runs through the site by approximately 1m to the east. The diversion of the public right of way is very minor. The PROW will be integrated into the development and will remain open with direct views from one end to the other, the majority of the PROW through the development will be on or near an adopted highway which will benefit from lighting. The mews courtyard layout and hedge planting and boundary treatments proposed will ensure the open views along the footpath are retained and the PROW will be within a soft landscaped setting. Concerns have been raised about antisocial behaviour as a result of the footpath however the proposed houses will provide natural surveillance to the footpath rather than the current situation where houses back on to it and there is no natural surveillance.
22. The development is considered to be in accordance with the requirements of policies DC1, CS4, CS17, CS18, CS19, H28 and D6 in relation to highway safety and capacity and in relation to the diversion of the PROW.

Flood Risk

23. The Local Flood Authority have considered the application in relation to flood risk. Policy CS4 Criterion seeks the incorporation of Sustainable Drainage Systems (SuDS) in new developments. The proposed development includes a dry basin at the north west corner of the site. This is in accordance with the policy requirements and no objections have been raised by the LFA. If approved conditions will be required to approve the detailed design and strategy of the drainage scheme.
24. The development is considered to be in accordance with the requirements of policy CS4.

Conservation

25. The application land is former farmland southwest of Grey Towers Farm, near the village of Nunthorpe and south of Middlesbrough suburbs. The application proposes the erection of eight dwellings on the land, some of which lies beyond the Limit to Development. Much of the surrounding land has been developed in the form of housing estate.
26. The land lies predominantly within Nunthorpe Conservation Area. Nunthorpe is a settlement of considerable antiquity and is referred to as Thorp in the Domesday Book. Its present name was acquired in the twelfth century, when a small group of Cistercian nuns from Hutton Low Cross settled in the area. The character of the Conservation Area is predominantly that of a rural settlement set in a gently undulating landscape of arable and pastoral farmland with remnants of parkland landscaping. There are three principal groups of buildings, and these are associated with Nunthorpe Hall (listed Grade II), Grey Towers Hall (listed Grade II*) and the former schoolhouse (Local List), war memorial, vicarage and St Mary's Church (listed Grade II). The application land lies in the second group of buildings, related to Grey Towers Hall.
27. Grey Towers Farm was built in the late nineteenth century and is contemporary with Grey Towers Hall. The farmhouse and a few of the outbuildings remain and the complex is located at the northern end of an avenue of mature trees. The farm buildings are of traditional construction with brick walls and pitched slate roofs. The farm, the outbuildings and land to the west, together with the main access drive, were not included within the Conservation Area boundary initially, but were added later following development pressure on nearby land. What survives of Grey Towers Farm (primarily the farmhouse and some small, attached outbuildings), whilst not currently on the Local List, can be considered a non-designated heritage asset because of the building's relationship to Grey Towers Hall, which is Grade II* Listed and because it is a rare, surviving, if altered, farmhouse in Middlesbrough. Non-designated heritage assets are a material consideration, requiring a balanced judgement and so the impact on the setting of former Grey Towers Farm will need to be weighed up against any benefits of the scheme and other policy considerations. Non-designated heritage carries less weight in the planning balance to formally graded listed buildings.
28. There are Listed Buildings in the surrounding area although with existing development / land between them sufficient to prevent the proposed development having any impact on their individual significance or setting.
29. The majority of the proposed built development is sited on land formerly occupied by farm and outbuildings with some on former fields. The former farmhouse and outbuildings that survive of Grey Towers Farm are immediately northeast of the

proposed development land. Whilst it could be argued that some harm is anticipated from the loss of greenspace and former farmland, (which doesn't need to be designed, be open to the public or managed and maintained, to have value), it is important to note that the land is surrounded by modern housing development and this small patch of remaining land to the rear of the current Grey Towers Farmhouse boundary has no clear purpose relative to the current farmhouse building and does not act as a clear reference to the former character or layout of this immediate area, particularly as it was occupied by former farm buildings and the site is no longer surrounded by open countryside. It is considered appropriate therefore to recognise that the historic layout / arrangement of the farmhouse and associated outbuildings and their relationship with agricultural fields has largely disappeared and the character is now that of the remnants of the farm house / complex adjacent to the new housing development.

30. The poor condition of the application land referred to in the Design & Access Statement and Heritage Statement, with some rubble from the demolished farm buildings, does not require development to rectify this and should not weigh in favour of the proposed development taking into account the NPPF is clear that neglect is no reason to approve an application. Notwithstanding this, the 'mews courtyard' design is considered to be an improvement in previous schemes proposed here as it would in part reflect the scale and form of the farm buildings that were historically located on this site whilst providing greenspace to soften the visual impact when viewed from the north. The metal estate railings, walls and hedgerows proposed to site boundaries are all considered to be represent high quality design details and ones which are appropriate in their character relative to the historic farm site and surrounding residential area, providing a clear transition from the historic part of the site to the new.
31. In view of the above, it is considered that whilst the proposal will change the character of this immediate area, having the form (in part) of former agricultural buildings and with the support of high quality detailing in keeping with this design ethos, and supportive landscaping works, the proposals will not result in the loss of distinction of the historic relevance of the adjacent Grey Towers Farm, and is not considered to be contrary to paragraph 203 of the NPPF in this regard. It is considered that the proposals will result in a high-quality sympathetic development with a neutral or positive impact on the historic significance of the adjacent heritage asset.
32. This proposal, by virtue of its design and siting has reduced its likely impact, in comparison to earlier schemes, on the significance of the Conservation Area and is considered to preserve or sustain the significance of the Conservation Area as required by Policy CS5 of the Middlesbrough Core Strategy and paragraph 197 of the NPPF as it maintains the significance of key buildings within the Conservation Area and does not notably alter the layout of the historic and more modern built form within the conservation area.

Scale, Design/Appearance and Streetscene

33. Policy H28 sets out criteria for the development of '*land at Grey Towers Farm*'. Only a small part of the application site lies outside this allocation. Amongst the criteria for development of the allocation site are that proposals provide an executive residential development. The proposed dwellings are well designed, bespoke dwellings in a

landscaped setting and are considered would be high quality high value dwellings as required by this policy.

34. Policy CS5 requires all development to demonstrate a high quality of design in terms of layout, form and contribution to the character and appearance of the area. The Policy requires that development preserves or enhances the character or appearance of the Conservation Area. Policy DC1 similarly requires that the visual appearance and layout of the development and its relationship with the surrounding area is of high quality.
35. The Nunthorpe Design Statement is relevant to the consideration of this planning application. The site is identified as being within the Nunthorpe Village character area. Policy CA1 seeks development layouts that are sympathetic and reflect the surrounding urban grain and recognise the historical aspects of the locality. Policy D1 encourages high quality contemporary architecture. Policy D3 encourages the use of high quality sympathetic materials in new developments. Policy G1 seeks to maintain Nunthorpe as a green and leafy suburb, including landscape design that forms a key aspect of the layout, form, and urban design quality of new development.
36. The application site includes a small area of land that is within a conservation area, the rest of the land is within an allocated housing site. The land in the conservation area is located adjacent to Grey Towers Farm and is land that was historically occupied by farm buildings. Historic maps and photos show the location and form of the farm buildings and their relationship to Grey Towers Farm. The land outside the conservation area is located adjacent to the new build houses. To the north of the site is an area of open space separates the development from other new build houses.
37. The proposed scheme is a bespoke development that seeks to develop the site with a distinct character that reflects the historic farm building nature of the site and sets it apart from the recent housing development. The development incorporates bespoke housetypes that respond to each of the neighbouring sites. Whilst the density may be higher due to the attached nature of the buildings the development is design led due to its relationship with Grey Towers Farm and there are examples of attached buildings within the wider Grey Towers site. The creation of a mews courtyard development does not prevent the dwellings from being executive in nature.
38. To the east is a mews courtyard development comprising 5no. large attached dwellings arranged around a courtyard at the front of the properties and generous gardens to the rear. The dwellings are located where the farm buildings use to stand and have been designed to reflect barn conversions in relation to their scale and appearance. The dwellings incorporate a number of high quality design details including external chimney stacks, varying roof heights and windows including windows set within the eaves and garage doors appropriate for a rural setting. They also incorporate modern aspects with high glass offshoots at the rear, air source heat pumps and electric vehicle charging points.
39. To the front of the properties is an area of hardstanding providing in curtilage parking with landscaped areas incorporated. An attractive pergola is located centrally which provides ample visitor parking that is incorporated into the overall design and character of the development.

40. To the west of the site the scheme proposes 3no. large detached properties that reflect the scale of the adjacent new build houses. The dwellings include a mix of large bay windows, windows set within the eaves, external chimney stacks and a mix of detached and attached garages. These properties successfully take cues from both the attached properties and the adjacent new builds and successfully transitions from one to the other.
41. The proposed development will incorporate high quality materials for both the buildings and the hard landscaping. Boundary treatments incorporate extensive hedge planting, estate railings, walls and, where appropriate, fences. The layout ensures good levels of natural surveillance of the courtyard and visitor parking, and the PROW which runs through the site.
42. It is the planning view that the proposed development provides a high quality development with large executive homes in an attractive landscaped setting that responds to the historic use of the site and the location of part of the site within the conservation area. The development will result in an attractive streetscene with good levels of natural surveillance in accordance with the principles of secured by design. The development is considered to be in accordance with the requirements of policy DC1, CS5 and H28 of the Local Plan and paragraph 130 of the NPPF.

Amenity

43. Policy DC1 requires the amenity of residents is protected. The proposed dwellings exceed the requirements of the nationally described space standards. They are large high quality dwellings in large grounds with ample internal and external amenity space. Separation distances between the proposed dwellings exceeding the 21m (front to front/rear to rear) and 14m (front to side) as recommended by the council's adopted Urban Design Supplementary Planning Document. The separation distances to neighbouring properties also exceeds the guidance with distances ranging from approximately 23m to distances in excess of 60m. Existing and proposed boundary treatments ensure the privacy of gardens and ground floor windows are retained.
44. The large separation distances also ensure that the proposed dwellings benefit from good levels of light and do not result in any significant overshadowing of existing properties adjacent to the site and the layout ensures that the proposed dwellings do not significantly overshadow others within the development.
45. The development is considered to be in accordance with the requirements of policy DC1 in relation to amenity of existing and future residents in relation to privacy, light and overshadowing.

Ecology/Landscaping

46. The application site comprises grass scrubland with some hedges. The site has been assessed in relation to ecology, including protected species, and biodiversity. The site is considered to be suitable habitat for hedgehogs and rabbits, it may also be used by some nesting birds.
47. The ecology assessments detail a number of recommendations to mitigate against harm to ecology and to provide enhanced opportunities for ecology on the site. These include bird boxes; bat boxes; and hibernacula. The proposed scheme

includes extensive planting of hedgerows which will also provide good habitat for ecology on the site including nesting birds.

48. The requirement for 10% biodiversity net gain will become a legal requirement for all developments in the near future. At the time of considering this application a 10% improvement is not a legal requirement. Notwithstanding this, the submitted details set out how the developer will achieve biodiversity net gain by carrying out enhancements to the landscaped areas within the proposed development and incorporating land to the north/northeast of the site into a landscaping scheme. The submitted details demonstrate that a net gain of more than 10% can be achieved.
49. The inclusion of land to the north/northeast of the site into the landscaping scheme will also be a benefit to the visual appearance of the area and the setting of Grey Towers Farm.
50. The development is considered to be in accordance with the requirements of Policy CS4 of the local plan and Policy G9 of the Nunthorpe Design Guide in these regards.

Renewable Energy

51. Policy CS4 seeks the incorporation of renewable energy facilities in developments. Current building regulations also require the use of renewable energy in developments. The proposed development includes air-sourced heat pumps at each dwelling located to the rear of the properties. Each dwelling also benefits from an electric vehicle charging point.
52. The development is considered to be in accordance with the requirements of Policy CS4 in this regard.

Nutrient Neutrality

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

whether any impacts may have an adverse effect on its integrity that requires mitigation. If mitigation is required it will be necessary to secure it as part of the application decision unless there is a clear justification on material planning grounds to do otherwise.

55. In-scope development includes new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). This is not an exhaustive list. It also includes agriculture and industrial development that has the potential to release additional nitrogen and / or phosphorous into the system. Other types of business or commercial development, not involving overnight accommodation, will generally not be in-scope unless they have other (non-sewerage) water quality implications.
56. Following the completion of a Habitat Regulation Assessment this development is considered to be in scope and has been put through the Teesmouth Nutrient Budget Calculator which established the total annual nitrogen load the development must mitigate against.
57. There are a number of ways a development can mitigate against nitrogen, one of which is to apply to Natural England for credits. In relation to the proposed development the applicant successfully applied to Natural England for credits.
58. The mitigation is considered to be acceptable for this development, subject to the provisional Nutrient Credit Certificate becoming a final Nutrient Credit Certificate. It is the planning view that this can be controlled by a pre-commencement condition being placed on the planning application, should it be approved, which requires a copy of the final credit certificate to be sent to the Local Planning Authority prior to any works commencing on site.
59. The proposed development will not have an unacceptable impact in terms of nitrate generation/pollution as the applicant has been able to demonstrate acceptable mitigation. As a result the scheme will not have a Likely Significant Effect. Natural England have confirmed that they have no objections to the development. On this basis the scheme is considered to be acceptable.

Other Matters

60. A number of comments from objectors have stated that previous applications have been refused on the site and therefore this one should also be refused. For note, the most recent application was not refused, it was withdrawn by the applicant following comments from the conservation and planning officers. This has enabled the site to come forward with a more suitable scheme with a bespoke design that respects the history of the site.
61. An application for dwellings at the site was refused in 2007 and one was approved in 1997. These applications were considered in relation to local and national policies and guidance that were relevant at the time and in relation to the setting of the site at the time which was substantially different to the current situation. The current application must be considered on its own merits in relation to current policy and guidance and in relation to the current situation on and surrounding the site. The fact that an application was previously refused on the site 16 years ago is not a reason to refuse the current application.

62. Archaeological desk based assessments, geophysical surveys and trial trenching have been carried out on the wider Grey Towers site in recent years, including significant investigations in advance of the installation of underground high voltage electrical cables in 1998. Findings included furrows and modern field drains, a piece of 19th century glass, a medieval pot shard and some brick pieces. Those investigations found no evidence of significant archaeological remains in the area. The site itself has the remains of the previous modern farm buildings which are not of archaeological interest and their construction is likely to have affected any archaeology on the site. It is considered that no further archaeological works are required.
63. A number of the comments received are not material planning considerations, as a result they have not been considered during the analysis of this application. Such comments include, but are not limited to, a reduction in the value of a property, disturbance from construction and residents working nights, that residents were told by developers there would not be any more housing. Reference has been made to the Nunthorpe Vision nineteen commitments, however, these are not planning policy or guidance and therefore hold little or no weight in assessing planning applications.

Conclusion

64. On balance, the principle of residential development is acceptable on this site. There are no technical objections to the development, the development is considered to be acceptable in terms of flood risk, highway safety and capacity, and nutrient neutrality.
65. The development provides a high quality development with large executive homes in an attractive landscaped setting which will result in an attractive streetscene with good levels of natural surveillance in accordance with the principles of secured by design and is sympathetic to the local character and history of the surrounding area. The development will not have a significant impact on existing properties and provides high levels of amenity for future residents. The landscaping and ecological and biodiversity enhancements on the site and adjacent land will result in an attractive landscaped setting.
66. The development is considered to be in accordance with policies DC1, CS4, CS5 and H28 of the Local Plan and paragraph 130 of the NPPF. The application is recommended for approval with conditions.

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

2. Approved Plans

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

- a) Location Plan, drawing no. S231 PL001;
- b) Proposed Site Plan – Block Plan, S231 PL003 rev. C;
- c) Site Constraints, drawing no. S231 PL004 rev. C;
- d) Proposed Landscape Finishes & Boundary Treatments, drawing no. S231 PL005 rev. C;
- e) Plots 1 to 3 Floor Plans, drawing no. S231 PL006 rev. C;
- f) Plots 4-8 Floor Plans, drawing no. S231 PL007 rev. C;
- g) Plot One Elevations, drawing no. S231 PL008 rev. C;
- h) Plot Two Elevations, drawing no. S231 PL009 rev. C;
- i) Plot Three Elevations, drawing no. S231 PL010 rev. C;
- j) Plots 4-8 Elevations, drawing no. S231 PL011 rev. C;
- k) Plots 4-8 Elevations, drawing no. S231 PL012 rev. C;
- l) Detached Garage Elevations, drawing no. S231 PL013 rev. C;
- m) North-east Boundary Brick Wall, drawing no. S231 08;
- n) Aerial Views, drawing no. S231 PL014 rev. C;
- o) Sketch Views, drawing no. S231 PL015 rev. C;
- p) Geoenvironmental Appraisal, report no. C8874, dated November 2020;
- q) Grey Towers, Nunthorpe Revised Scheme 8 dwellings (Excel nutrient budget calculator)
- r) Nutrient Neutrality Countersigned Signed credit , reference no. NM-D-TCC-0008;
- s) InfoDrainage Report, reference no. GT9, dated 03rd April 2023;
- t) Flood Risk Assessment, reference no. GT9-CDL-XX-XX-RT-C-1001, dated 27th April 2023;
- u) Drainage Strategy, reference no. GT9-CDL-XX-XX-RT-C-1002 rev. B, dated 27th April 2023;
- v) Proposed Drainage Layout, reference no. GT9-CDL-XX-XX-DR-C-1401;
- w) Preliminary Ecological Assessment, Grey Towers, version R2 reference no. AMS-22-06 dated 23rd March 2022;
- x) Biodiversity Net Gain Report, reference no. AMS-22-06, dated 23rd February 2023; and,
- y) Biodiversity Metric 3.1 Calculation Tool, reference no. AMS-22-06, received 28th April 2023.

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

3. Materials - Samples

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

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

4. 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.

5. Car Parking

The development hereby approved shall not be occupied until the areas for vehicle parking have been constructed and laid out in accordance with the approved drawing(s) Proposed Site Plan - Block Plan, S231 PL003 rev. C, or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority. Such areas shall thereafter be retained in perpetuity for the sole purpose of parking vehicles.

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.

6. 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.

7. Existing Public Rights of Way (Footpaths and Bridleways)

Within two months of commencement of the development hereby approved, a Public Rights of Way General Arrangements Plan(s) to a scale of 1:200, showing the following works to the existing Public Rights of Way network must be submitted to and approved in writing by the Local Planning Authority. Thereafter the works must be carried out in complete accordance with the approved details.

- Signing and Furniture;
- Structures on or adjacent to;
- Changes to the surface; and,
- Extent of any stopping up, diversion or dedication of new highway rights (including all public rights of way shown on the definitive map and statement).

Reason: To ensure appropriate facilities are provided throughout the development in order to promote an active lifestyle and reduce dependence on the private car having regard for policy CS4 of the Local Plan and section 9 of the NPPF

8. Surface Water Drainage Scheme

Prior to the commencement of the development on site a detailed surface water

drainage scheme (design and strategy) shall be submitted to and approved in writing by the Local Planning Authority. The scheme should be designed, following the principles as outlined in the Flood Risk Assessment, reference no. GT9-CDL-XX-XX-RT-C-1001, dated 27th April 2023 and the development shall be completed in accordance with the approved scheme.

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

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

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

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

9. 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.

10. 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.

11. Contaminated Land Validation Report

Before the occupation of any part of the development hereby approved, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall confirm that all the proposed remediation works set out in the Geoenvironmental Appraisal, report no. C8874, dated November 2020 were completed before occupation of any part of the site or units hereby approved.

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

12. Landscape Scheme

Within 6 months of the commencement of the development hereby approved a scheme showing full details of both hard and soft landscape works and a programme of works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out on site as approved.

The proposed works will be in accordance with the details set out in the approved Biodiversity Net Gain Report, dated 23rd February 2023 and will include the full extent of the land identified in the BNG report including the land outside the application boundary but within the same ownership.

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

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

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

13. Landscape Management Plan

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

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

14. Replacement Tree Planting

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

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

15. Hedges and Hedgerows

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

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

16. Ecology

The development hereby approved must be carried out in accordance with the mitigation measures, as set out in section 5 of the approved Preliminary Ecological

Assessment, Grey Towers, version R2 reference no. AMS-22-06 dated 23rd March 2022.

Within six months of the commencement of development a scheme setting out specific details of the enhancement measures including a programme of works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out on site and retained in perpetuity.

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

17. 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.

18. PD Rights Removed Alterations to 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 hereby approved shall be removed or materially altered in external appearance in any way 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.

19. PD Rights Removed Windows/Doors

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 windows including dormer windows and roof lights, doors or other openings shall be constructed on any property (other than those expressly authorised by this permission) without planning permission being obtained from the Local Planning Authority.

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

20. PD Rights Removed Extensions/Alterations and Outbuildings

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

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

21. 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.

22. 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.

23. PD Rights Removed Access

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no vehicular or pedestrian access other than that shown on the approved plans, shall be formed on the site without planning permission being obtained from the Local Planning Authority.

Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based in the interests of amenity and highway safety having regard for policies CS4, CS5, DC1 and sections 9 and 12 of the NPPF.

24. Water Consumption

Water usage will be limited to 110 litres/person/day as measured in accordance with a methodology approved by the Secretary of State.

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

Regulation 63 of the Habitats Regulations.

25. Nutrient Mitigation Scheme – Credits or Suitable Alternative

Prior to the commencement of development hereby approved a copy of the signed Final Credit Certificate from Natural England, must be submitted to and approved in writing by the Local Planning Authority. If the final credit certificate cannot be obtained for any reason full details and specifications of an alternative Nutrient Neutrality Mitigation Scheme, including any long term maintenance and monitoring details must be submitted to and approved in writing by the Local Planning Authority (in consultation with Natural England) prior to any commencement of works on site. Thereafter the development shall be carried out in accordance with the approved Nutrient Neutrality Mitigation Scheme.

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

Reason for Approval

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

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

In particular, the proposal meets the national planning policy framework and guidance, in that the proposal is for a housing development that would not be out of scale and character within the surrounding area, and would not be detrimental to the local and residential amenities of the area or the conservation area. Issues of principle regarding development have been considered in relation to the small part which is outside the limits of development and on balance the principle is considered to be acceptable due to the changes in the character of the surrounding area resulting in the site no longer being in open countryside. The layout and design of the housing scheme and the generation of traffic, have been considered fully, including those set out in the representations made by nearby residents, and are not considered, on balance, to give rise to any inappropriate or undue affects.

Accordingly, the Local Planning Authority considers that there are no material planning considerations that would override the general assumption that development be approved unless other material factors determine otherwise.

INFORMATIVES

- Wildlife and Countryside Act
The applicant is reminded that under the Wildlife and Countryside Act 1981 it is an

offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August. Trees and scrub are present on the application site should be assumed to contain nesting birds between the above dates unless a survey has shown conclusively that nesting birds are not present.

- Protected Species

The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning consent for a development does not provide a defence against prosecution under wildlife protection legislation. You are advised that it may be necessary before development commences, for the applicant to commission an ecological survey from a suitably qualified and experienced professional to determine the presence or otherwise of such protected species. If protected species are found to be present, Natural England should be consulted.

- Construction Noise

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

- 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

- Discharge of Condition Fee

Under the Town & Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2018, the Council must charge a fee for the discharge of conditions. Information relating to current fees is available on the Planning Portal website

<https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>. Please be aware that where there is more than one condition multiple fees will be required if you apply to discharge them separately.

- Civil Ownership Matters

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

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

- Rights of Access/Encroachment

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

- Building Regulations

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

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

- Statutory Undertakers

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

- Contact Northern Gas

The applicant must contact Northern Gas Networks directly to discuss requirements in detail. There may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. We are advised that should diversionary works be required these will be fully chargeable.

- Name and Numbering

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

- 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.
- Design Guide and Specification
The development will be designed and constructed in accordance with the current edition of the Councils Design Guide and Specification.
- Highway Authority Discussion
It is essential that early discussion take place with the Highway Authority (tel: 01642 728156) to discuss the effect on the surrounding highway network during the construction of this development.

Case Officer: Shelly Pearman

Committee Date:

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APPLICATION DETAILS

Application No:	22/0729/COU
Location:	Public space north of Caldicotes Primary
Proposal:	Creation of play area, erection of perimeter fence and installation of new surfacing and play equipment
Applicant:	Craig Coverdale, Middlesbrough Council Middlesbrough Council
Agent:	Lucas Robinson, Groundwork NE & Cumbria Groundwork NE & Cumbria
Ward:	Thorntree
Recommendation:	Refuse

SUMMARY

The application seeks planning permission for the creation of a children's play area on land to the north of Caldicotes Academy, and to the west of an existing multi games area.

Following the consultation period, a strong objection was raised by Cleveland Police on the grounds of the proposed location of the play area and the safety of children at the site.

Given the strength of the objection, officers from the Council have sought to work with the applicant and have asked them to consider other potential locations for the play area as well as meeting on site to discuss the nature of the objection.

With no alterations or revisions to the proposals, the Council considers that significant weight should be given to the objection from Cleveland Police. The primary purpose of the play area would be to provide a facility for children and families to utilise and enjoy, but it is considered that this must be in a location which provides reasonable safety through being overlooked or similar.

The officer recommendation is to refuse.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application seeks planning permission for the creation of a children's play area on land to the north of Caldicotes Academy, and to the west of an existing multi games area.

The play area would accommodate play equipment aimed at younger age children, which would sit alongside the existing provision for older age groups. The location adjacent to an existing MUGA, as well as having a flat topography and within public open space, have been chosen by the applicant as an appropriate location for the play area.

The play area would provide play equipment typically found in a children's play area and be enclosed within a 1-metre-high bow top fencing.

PLANNING HISTORY

There is no relevant planning history.

PLANNING POLICY

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

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

Middlesbrough Local Plan

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

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).
- Stainton and Thornton Neighbourhood Plan (2022)

National Planning Policy Framework

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

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

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

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

Core Strategy

DC1 (General Development)
CS4 (Sustainable Development)
CS5 (Design)

Local Plan

CS20 (Green Infrastructure)

Saved Local Plan

E2 (Green Wedges)
E10 (Secondary Open Space: Protection from Development)
E28 (Recreational Uses in the Countryside and in Green Wedges)

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 application has been subject to the standard notification of neighbouring properties, which included 6 different addresses. Following the consultation period, no letters of objection, support or other representations were received.

Responses from Internal Technical Services

MBC Planning Policy

Subject to the play area being considered to be of appropriate design, the proposals appear to accord with the relevant policies in the adopted Development Plan.

Responses from External and Statutory Consultees

Designing Out Crime Officer, Cleveland Police

Do not recommend this site for the proposed use.

The proposals are considered to be:

- In a location that would have the potential to generate crime, increase the fear of crime and attract anti-social behaviour.
- Lack of natural surveillance from nearby properties. The play area is positioned to the rear of dwellings which is likely to increase the potential for crime.
- There is poor lighting serving the site and approaches to the site.

Summary of Public Responses

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

PLANNING CONSIDERATION AND ASSESSMENT

National Planning Policy Considerations

1. Section 38 of the Planning and Compulsory Purchase Act requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. At a national level, the Government's guidance is set out in the National Planning Policy Framework (NPPF), which was most recently revised and published in 2023. The NPPF states that the general principle underlying the town planning system is that it is 'plan led'. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. In determining planning applications, due weight should be given to local planning policies in accordance with their consistency with the revised Framework, with greater weight given the closer policies are to those in the Framework.

2. Paragraph 20 of the NPPF states that the strategic policies of Councils should '*make sufficient provision for community facilities such as health*' and that decisions should help provide community needs.

3. Part 8 of the NPPF '*Promoting healthy and safe communities*' expands on the strategic policies and explains the role of local authorities and outlines how they need to be achieved. Paragraph 92 of Part 8 advises that policies and decisions should '*aim to achieve healthy, inclusive and safe places*', which:

... promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other...

... are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion... which encourage the active and continual use of public areas...

... enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.

4. Paragraph 93 states that decisions should *plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments and guard against the unnecessary loss of valued facilities and services.*

5. Whilst the Council considers the provision of a children's play area close to the local community to be in general accordance with the above statements, officers within the Council and Cleveland Police have strong concerns over the proposed location for this children's play area. This is discussed in greater detail later in the report.

Local Policy Considerations

6. On the adopted Local Plan Proposals Map, the application site is designated as Green Wedge and Secondary Open Space.

7. The relevant policies in the Local Development Plan regarding this application include CS20 (Green Infrastructure) of the Local Plan, E2 (Green Wedges), E10 (Secondary Open Space: Protection from Development) and E28 (Recreational Uses in the Countryside and in Green Wedges) of the saved Local Plan, and DC1 (General Development), CS4 (Sustainable Development) and CS5 (Design) of the Core Strategy (2008). In general terms, these policies seek to achieve high quality sustainable development that is situated in the right place and minimises the impact on neighbouring occupiers.

8. Policy CS20 identifies Green Wedges as part of the strategic green infrastructure network and it advises that the Council will seek to deliver a network of multi-functional green space to enhance the quality of life for residents. The Policy also advises that the loss of green space that contributes to the achievement of an integrated network of green infrastructure will be resisted. It is considered that the proposed development will help to enhance the quality of play opportunities for children in the locality and, therefore, is in accordance with the Policy.

9. Policy E2 seeks to retain Green Wedges as open space and any proposed development shall not:

- affect the predominantly open, green character or create undue nuisance or disturbance to occupiers of nearby properties or to the quiet enjoyment of the open space;
- harm visual amenity;
- adversely affect areas of nature conservation or archaeological value;
- impair public access to the Green Wedge or compromise green links; or,
- reduce the physical separation between existing development.

10. Policy E28 states that outdoor participatory recreational uses will normally be permitted in Green Wedges subject to a number of criteria, including that there is not a significant impact on the character of the area and that public access by path is not impaired and links to existing public paths are provided where possible.

11. The proposed play area is adjacent to Caldicotes Primary School, a multi-use games area and a small car park. As the play area is relatively small and designed to allow views through and beyond it due to its hoop-topped perimeter fencing, it is considered that the proposals would not harm visual amenity nor have a significant detrimental impact upon the character of this part of the Green Wedge. Mindful of the noise that is likely to be generated from the above surrounding uses, it is considered that noise generated from the proposed play area would not materially impact upon occupiers of nearby properties or on users of the open space.

12. The site is not designated for its wildlife value or archaeological value. The proposed development is, by its nature, designed to be accessible to the public and would not impact on access to other parts of the Green Wedge. Given the open nature of the play area, it is considered to have a minimal impact on the perception of physical separation between existing development.

13. Policy E10 states that development on secondary open space will be granted where it would not result in the loss of an area of significant value as a recreational, visual or amenity resource or for nature conservation and where the predominantly green character of the open space will be retained. The site of the proposed play area is currently flat grassland that is considered not to be of significant visual or conservation value. The proposed play area would increase the recreational and amenity value of the site.

14. Policy MWC4 seeks to safeguard mineral resources from development. The Policy allows non-minerals development where the need for the non-mineral development outweighs the need for the mineral resource. It is considered that the need for a play area for local children outweighs the need to protect the site for potential future extraction of salt and gypsum, which are not scarce minerals.

15. Policy CS4 requires all development to contribute to achieving sustainable development principles. This includes ensuring everyone has access to leisure and other community facilities and that facilities are accessible on foot, bicycle or by public transport. The site is accessible on foot and bicycle from nearby residential areas and is within nationally recognised walking distances of bus stops on The Greenway and Cranfield Avenue.

Concerns Regarding Safety

16. Due to the nature of the application being for families and younger children, the Council consulted the Designing Out Crime Officer at Cleveland Police.

17. As set out earlier in the report, the NPPF requires planning decisions to achieve safe places. In addition to national planning policy guidance, local plan Policy CS5 states that all development will be required to contribute to achieving *the creation of a safe and attractive environment, at all times of the day and night, where crime and disorder, or fear of crime, does not undermine quality of life or community cohesion by incorporating the aims and objectives of both Secured By Design and Designing Out Crime concepts into development layouts* and safety and the fear of crime is, therefore, a material consideration. The following

paragraphs discuss the considerations of Council officers as well as the Designing Out Crime Officer at Cleveland Police.

18. Due to the vulnerabilities of the likely end users, proposals of this nature should be designed to allow significant levels of natural surveillance. Private residential dwellinghouses or busy areas of public realm normally provide these levels of natural surveillance, with outlooks from these areas providing safer and more accessible routes for users to come and go. In this case, however, it is considered that the application site is afforded very little natural surveillance, with nearby dwellinghouses either facing away from the proposed play area site or being at a distance too far away to be able to provide adequate surveillance. The application site is also located on the edge of the residential area, being close to the boundary of the borough, which experiences lower levels of natural surveillance from passers-by. Rather than being afforded natural surveillance, the application site is considered to be secluded and would not be a particularly welcoming amenity for the community.

19. As well as requiring high levels of natural surveillance, facilities like play areas should be inclusively designed with due regard for wayfinding and permeability. Consideration should also be given to ensure users of the facility are not adversely affected by the location of the amenity space. In this case, the location is considered excessively permeable, with the concerns from a Police perspective focusing on the areas to the north, which are outside of the zones of passive surveillance and provide many hideaways and escape routes to enable anti-social behaviour and other crime.

20. National guidance advises that play areas should be designed so that they are secured at night time to reduce the amount of damage and crime that occurs after dark when it is out of use of children and families. The type of fencing and security measures can help to prevent or lessen anti-social behaviour, although solutions will vary to suit particular areas (site-based approach).

21. Normally, consideration could be given to a single dedicated entry and exit point to enable parental/guardian control and supervision. Fencing at a minimum height of 1.2 metres can often discourage casual entry, which discourages unauthorised access to the play area after dark and reduces damage to the equipment. Although the material layout design including low level boundary treatment and self-closing gate would be acceptable solutions for many play sites, it is the Police view that these design solutions would not be deemed suitable for this site, which is located in an area of high crime. Potential solutions to counter anti-social behaviour in this location are considered to include the installation of a 2.0-metre-high weld mesh perimeter fence. However, such a fence would be deemed significantly harmful to visual amenity within the green wedge, as well as giving the community facility an unappealing and uninviting appearance.

22. Adjacent to the application site is a small multi-use games area, which has signs of fire setting against its perimeter. Recent visits to the site conducted as part of considering the merits of the application have also witnessed, amongst other things, broken fencing and evidence of tyre tracks showing anti-social use of off-road motorcycles throughout the site and neighbouring open space.

23. It is worth noting that another former play area is situated less than 200 metres northeast of the application site. Despite being subjected to more natural surveillance from the rear elevations of houses along Colmore Avenue, the play area has experienced

vandalism and abuse, which has left it beyond use. It is considered that the proposed play area will experience a similar outcome due given the above factors.

Conclusion

24. The construction of a play area upon land allocated in the Local Plan as green wedge and open space is deemed to be acceptable in principle, as the design and scale of the proposed play area would not adversely affect the predominantly open and green character of the area and, therefore, allowing them to continue contributing to the integrated network of green infrastructure.

25. However, the location would not allow the play area to be a desirable, safe or secure community facility. The primary purpose of the play area would be to provide a local facility for children and families to enjoy. Any measures to improve safety and lessen the fear of crime, such as the installation of a weld mesh fence, would result in the erosion of the green wedge and represents a poor design solution and should the play area be targeted similar to the other nearby play area, and be significantly vandalised, this would further add negative impact to the character of the Green Wedge.

26. On balance, it is the officer view that the proposed play area would not create a place that is particularly safe, inclusive or accessible for the members of the community. The application fails to provide a high standard of amenity for future users, but instead would create a facility where crime and the fear of crime would not be discouraged. The proposals are deemed to fail local policy CS5(e) and the National Planning Policy Framework paragraphs 92 and 130.

27. The officer recommendation is to refuse.

RECOMMENDATIONS AND CONDITIONS

Refuse for the following reason

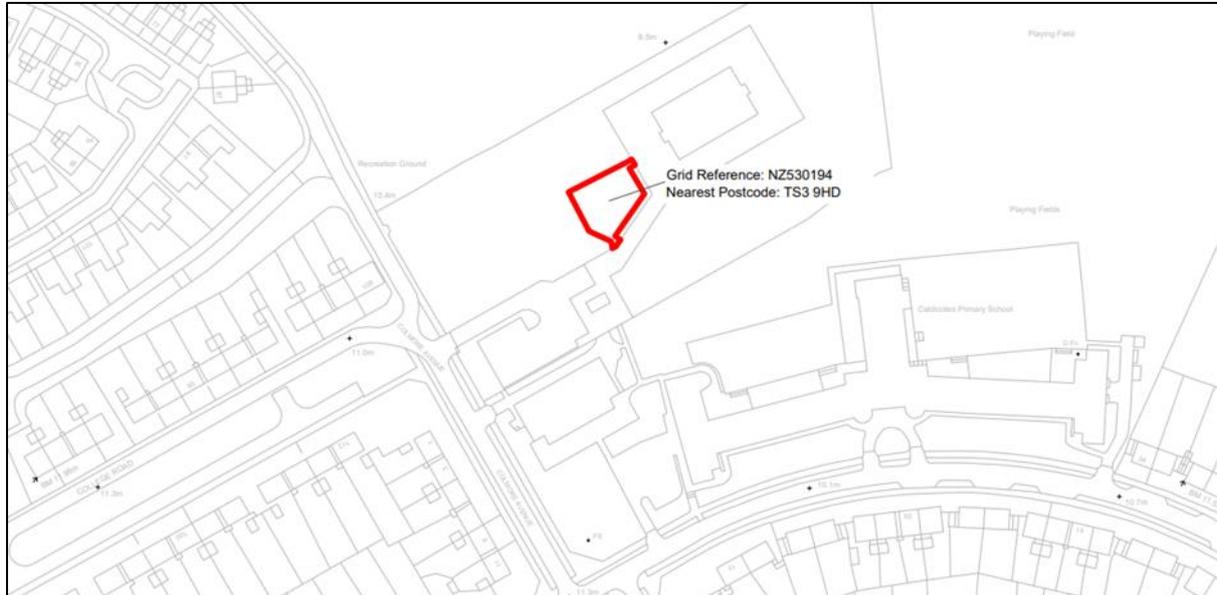
Unsuitably located

In the opinion of the Local Planning Authority, the proposed play area development, owing to the site-specific location, will create a community facility that would not be safe to use. The lack of natural surveillance over the play area and the excessive permeability to the site from the north is considered to result in a development that is in a secluded location and increases the fear of crime. This is contrary to the NPPF (paragraphs 92 and 130) and Core Strategy Policy CS5.

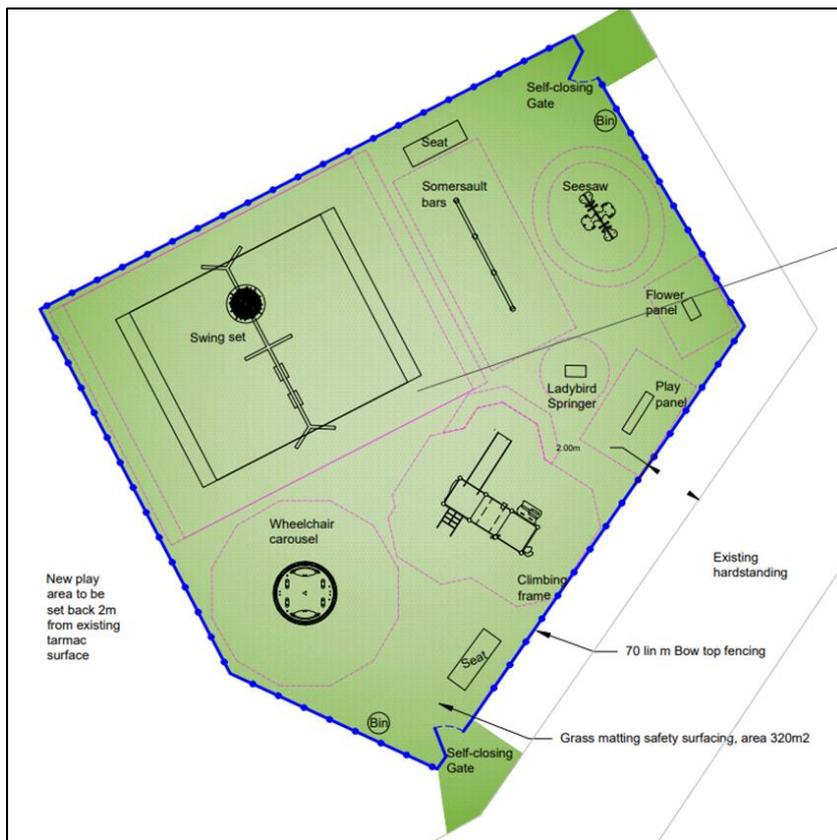
Case Officer: Peter Wilson

Committee Date: 12th October 2023

Appendix 1: Location Plan



Appendix 2: Play Area Layout



APPLICATION DETAILS

Application No:	23/0166/FUL
Location:	The Avenue Play Park, Nunthorpe, Middlesbrough, TS7 0AG
Proposal:	Installation of play equipment
Applicant:	Craig Coverdale
Company Name:	Middlesbrough Council
Ward:	Nunthorpe
Recommendation:	Approve Conditionally

SUMMARY

The application seeks planning approval to install additional play equipment at The Avenue Play Park in Nunthorpe. Additional equipment will include a children's trim trail and a fitness/stretch station, monkey bars and a basketball hoop, comprising 9 additional items overall.

Objections were raised from residents with regards to anti-social behaviour, increased traffic, safety and intimidation, placement of certain pieces of equipment. Matters were also raised the regarding existing CCTV at the site and request for additional coverage and lighting.

The application was deferred at the last planning committee meeting due to issues in relation to the location of the play equipment in proximity to the adjacent footpath and the basketball hoop area being in an area which is known to flood. There were also complaints regarding the lack of consultation with residents prior to the planning application being submitted. As such the application was deferred to allow the applicant to reengage with local residents and look at changes to the scheme. To date no such revisions to the scheme have been forth coming, as such the application must now be determined in its current form.

With regards to the current scheme the provision of equipment is set away from houses within the area where existing play equipment is located, with a degree of natural surveillance as well as existing CCTV coverage it is considered that the proposal will not have an adverse impact on the character of the area and will update the existing equipment and be a complementary addition to the existing established play park and will be of public benefit and provide children with a greater provision. It is also considered that the equipment is shown in positions that will limit any impacts associated with the use of the equipment on residential amenity and highway safety.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The planning application site relates to The Avenue Play Park, forming part of a larger area that is defined as Primary Open Space within the Councils Local Plan. The areas directly west and south of the site has recently been awarded Village Green status, although not typical in layout as this area acts as back land to the rear of the houses/residential estates that sit either side.

The application seeks planning approval for additional play equipment within this established designated play park. The existing park and play equipment is to the west of The Avenue in Nunthorpe across the road from a small parade of shops. There is a public footpath that runs through the open space and along the edge of the park from The Avenue up to The Resolution. The area surrounding the park and wider area of open space is predominately of a residential nature.

There are currently six play assets on the play park site which cater largely for younger children. This proposal has therefore chosen items of play/fitness for both older children & adults and intentionally clusters the assets into different age categories.

The additional equipment proposed are a Children's Trim Trail, consisting of 7 individual play items along with an Activity Area, consisting of 3 individual items comprising of monkey bars, stretch/fitness station and basketball hoop.

PLANNING HISTORY

No relevant planning history

PLANNING POLICY

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

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

Middlesbrough Local Plan

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

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)

- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).
- Stainton and Thornton Neighbourhood Plan (2022)

National Planning Policy Framework

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

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

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

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

E7 – Primary Open Space
DC1 - General Development
CS4 - Sustainable Development
CS5 - Design

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

Public Responses

Number of original neighbour consultations	33
Total numbers of comments received	7
Total number of objections	6
Total number of support	1
Total number of representations	7

Two site notices were also posted on site.

Valuation & Estates –

No objection to the installation of play equipment as proposed.

Environmental Health –

No comments

Local Flood Authority -

Based on flood mapping it appears that the site is not impacted by surface water flooding.

Cleveland Police/Secure By Design –

On a site-specific basis, I recommend care in the positioning of the additional equipment in this location to ensure that its usage will not cause issues for the nearby flats or for users of the existing pathways. Locating the equipment suitably distanced from these will reduce opportunities for future issues. The shrubbery and tree canopies surrounding the play area should be pruned/crowned to maximise both formal and informal surveillance across the facility from the aforementioned flats as well as The Avenue and also the cctv camera that is in situ. Shrubby should not be above 1m in height and the tree canopy should be above 2.0m to allow for the corridor of sight to be maximised. Materials used for the equipment should be of a robust nature and resistant to damage, fire and for graffiti to be easily removed. Having consulted with Local Neighbourhood Policing I am aware that this location, like a lot of similar such locations, can attract sporadic anti-social- behaviour issues. Careful design and management, including implementing these recommendations can assist in reducing these opportunities.

Neighbourhood Safety Officer –

Cllr McClintock has brought to my attention the planning application for the additional play equipment at The Avenue Play Park in Nunthorpe. I cover this area in relation to ASB and we do get sporadic reports of older youths causing issues in the area. Can I ask if as part of the installation consideration has been given to additional lighting / CCTV cameras. We only have one camera in the Play Park and the coverage is quite limited due to lighting and foliage.

103 The Avenue –

Lived here for 40 years. No swings that I remember then. Little trouble except for the odd football coming over the fence. I believe this will be a 3rd attempt at a play centre and it should only be aimed at pre-school and primary children, as it currently is. Concur with others re the Basketball ring. Predict the teens will have that down within days of erection. More equipment will mean more users, more cars, a centre for disturbances, rubbish, small plastic bags, takeaway wrappers, food debris. I object to the proposal in the existing form.

107 The Avenue –

I'm a resident of The Avenue and my back garden faces the play area. After reading the notice I feel it would be better to place the equipment away from the children's swings slide and tyre as it attracts teenagers who abuse the equipment and congregate creating litter and offensive language which we have to listen to whilst in our gardens. Surely the green area is big enough to have them spaced out over a larger area away from our homes.

109 The Avenue –

I am in principle, in favour of the development subject to the removal of the Basketball Hoop from the application. 99% of the legitimate usage of the current equipment is Nursery and primary school children on their way home from The Avenue and St Bernadette's schools. I endorse the need for equipment to be utilised by these age groups. Having lived here for 25 years this is an asset to the neighbourhood during term time. In school holidays it is abused by teenagers both from inside Nunthorpe and travelling teenagers coming here to 'hang out' and generally cause a nuisance. With this in mind I would like to ensure that there is a condition that the CCTV tower remains operational and monitored within the control centre between the hours of 20.00 to 08.00.

1 The Resolution-

To put the application into context, the existing play is primarily for the 3-to-11-year age group, used by many Local children and Residents, It is well maintained by the Middlesbrough Council, both Residents and Council look after the landscape and litter pick, with the Shops it is all an asset to the pride we have Neighbourhood.

My comments/concerns/objections with the proposals are particularly to the 3 larger items of equipment, The location of the "A" Climbing frame and Monkey bars are far too close to the side of the tarmac public footpath this will cause confrontation and safety issues between old people and little children who use the path and any teenager antics on and around the equipment, also at night the existing lamppost will illuminate this equipment leading to night time Anti-social Behaviour. With the current existing equipment not being illuminated at night there is at present little ASB. I also have concerns regarding the basketball hoop, it is positioned on the steepest and wettest part of the grass, play would be difficult, Most importantly all these 3 items of equipment do not fit in with the existing age group play area and from my long and varied experiences over several decades of the area will lead to an increase in Antisocial behaviour

The current play area has 6 items of equipment the proposals are for an additional 8 this is a large increase in equipment and disproportionate to the existing play area. I believe that the submitted proposals will cause ASB, be disproportionate to the existing play and are not sensitive to the proximity of existing housing or other users of the Avenue/Park/Open space and our pride in the area and its facilities

I object to the application in its current form

5 The Resolution -

Under Material Considerations Traffic/Highway Safety/Parking Provision In The Resolution there is a traffic parking problem and cars speeding at times. Cars can be parked all day making leaving our home difficult. Cars are left with the engine running polluting the atmosphere. The turning point is misused as parking by dog walkers and young drivers. Further development will exacerbate the situation. Noise The constant thump of a Basketball carries a long way especially in quieter times in the evening. It will not be possible for anyone to approach a basketball player and request that they stop when they are using the

facility during unreasonable hours. There is similar equipment within the Avenue School playground, but this is managed and monitored and restricted to certain hours. What is being proposed will not have any level of supervision. Nature Conservation There was a recent incident of a loud explosion in the wooded area followed by fire to the dry fallen leaves. We the residents carried buckets of water over to put the fire out. This was not the first time a fire has occurred. Installation of this equipment will only bring more youths to gather and stay longer and therefore a potential for further misuse of the wooded area. Safety/Intimidation There have been a number of residents who have been subject to verbal abuse when just passing through the play area. There are a lot of older residents who currently restrict the times that they walk through the park and feel intimidated by the groups of youths that currently collect in the park area. Finally, whilst this proposal is designed to aid the health of the population there is a 'trade off' here which is unacceptable in that the health and wellbeing of the community, residents and school children will suffer with increased car pollution, noise, danger to children from inconsiderate parking and bad behaviour from groups of youths. No one in authority seems to recognise there is a current problem here.

7 The Resolution –

It has been brought to my attention that there are to be additional items added to the Avenue play area and that this planning application has been submitted? Firstly, I live at 7 The Resolution and look onto the play area from my bedrooms and on a summers night and open windows can clearly hear noise from the play area. I would say 25 meters from the closest new item to be installed. In the design and asset statement it says and I quote:

Addressing local concerns raised by residents
 Following the funding award, the two ward Councillors for Nunthorpe conducted a consultation & received feedback by the local residents as follows:

Your concerns;	How we aim to address this;
The installation of additional Play/Fitness items will affect the "Village Status" of the green.	All new Play/Fitness installations will be located outside of the "Village Green" boundaries

So, would it be fair to say we would be consulted over these proposals and other houses on The Resolution? I for one CERTAINLY have had no correspondence from anyone at all regards this tripling of the play area. I am also sure no one else has been approached or mailed regards said development. The two house 9 and 11 The Resolution are even closer and I also know they suffer from anti-social behaviour / noise from the play area on a regular basis. I / We found out via social media and clearly this can't be acceptable? I would hope the poor people in the flats that are directly on the main play area have been well consulted and had their minds put at rest. I would edge by bets they have not been contacted or even aware of the proposals. The play area was originally two or three items when we moved to Nunthorpe back in the 90's and over the years has increased and increased until we are now talking thirteen items in all. That in any site is a massive increase and is spreading up the bank and across the field.

The anti-social behaviour has also increased and has been made worse by an additional bench that was placed at the top of the bank again without any prior consultation. This bench is ideally suited to the rather unsavoury youths that live and come to Nunthorpe as they can easily disappear into the shrubbery behind the bench to urinate / drink and drug deal. There is nothing better to sit in your back garden and listen to the foul language coming from their mouths. Even the younger ones seem to accept it now as everyday language. I am no prude

I worked in the steel industry for 37 years so know a thing or two about bad language but always had respect for other people over hearing and my elders and certainly don't accept sitting in my back garden or trying to go to sleep listening to it. It falls on the residents on a morning to go around cleaning the site before children arrive to play on it.

This now brings me to intimidation. I have to say even with the current apparatus on a light summers evening if there is a large group gathering it is very intimidating to walk up or down the bank to the extent especially on dark nights when the low life are about, certainly my wife WILL NOT go up or down the bank alone and even with myself if we can take another route we will, and avoid the area. In the dark between certain hours it's not worth the hassle and better to avoid at all costs.

Keeping in mind the current apparatus is reasonably well back from the path so at least you are kept relatively at a distance from them. With this new proposal you are now planning on adding specifically the Monkey bars and stretch/fitness station right on the edge of the path!! I for one can assure you this is going to cause groups to actually gather on the actual pathway and many a time they do not move out of your way and just carry on as though you are not there. On a dark night walking up or down the bank and there are a group of around 20 to 40 youths which is not unheard of (there have been over 50) hanging around the Monkey bars and stretch/fitness station is not going to be a pleasant experience. I object to the application and would like the Council to refuse permission.

11 The Resolution –

In respect of the above planning application, I would like to add that I share the concerns of other residents. There are perhaps some issues to resolve regarding the periodic anti-social behaviour and state the current play park is sometimes in with unclean facilities, discarded rubbish, wine bottles etc, prior to looking at additions to the park.

Consultation comments can be viewed in full via the following link –

<https://planning.agileapplications.co.uk/middlesbrough/application-details/38369>

PLANNING CONSIDERATION AND ASSESSMENT

Policy context

1. The main considerations with this proposal are the principle of the development, impacts on the character and appearance of the area the impact on the privacy and amenity of the neighbouring properties and the impact on highway safety.
2. As the application site and existing play park form part of an area designed as primary open space Policy E7 is of relevance. Policy E7 (Primary Open Space) sets out that existing or proposed primary open space will be safeguarded from development with exceptions being made for development which complements its function or is of overriding benefit to the community as a whole and which would not result in the significant loss of open space.
3. Policy CS4 requires all development to contribute to achieving sustainable development principles, including ensuring that landscape character and green infrastructure are protected and where possible enhanced. The Urban Design SPD

advises that development should retain trees as features where possible and should make a positive contribution to the neighbourhood environment.

4. Policy CS5 requires all development to demonstrate high-quality design. This includes the creation of high-quality open spaces and ensuring that new development enhances the built and natural environment.
5. Policy DC1 requires that the effect on the surrounding environment and local amenity is minimal and the effect on protected open space is limited.
6. In addition, the National Planning Policy Framework 2021 (para.93) states to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments; b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community; c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and e) ensure an integrated approach to considering and other local services to enhance the sustainability of communities and residential environments.
7. Para. (92) also states that Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages; b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Appearance

8. The site in question is already an established play park that is accessed east of The Avenue and forms part of a wider area of primary open space which includes an area of mown amenity grass and is bounded by woodlands, vegetation, shrubs and public footpaths and is a positive asset of the area. This land is currently defined as primary open space in the local plan and is therefore for the benefit of the public. The additional play equipment to the existing play park complements its function and is of community benefit and compliant with Policy E7 in this regard.
9. The proposed equipment whilst aimed at a variation of different age groups, is of a scale and design typical of other play equipment found elsewhere with in other parks across the town and will complement and enhance the existing play park equipment already in-situ whilst ensuring the remaining green space is retained in accordance with Local Plan Policy CS4.

10. The proposal is unlikely to have any significant visual impact on the surrounding area as the play equipment will be located within the area of open space which is a relatively discreet location in between 'The Avenue' and 'The Resolution'. Located away from residential properties with access via a public footpath only. As such equipment should not appear prominent or be highly visible and would not appear out of place within their setting in accordance with Local Plan Policy CS5.
11. The proposal will make a positive contribution to the neighbourhood environment in accordance with The Councils Design Guide.

Amenity of the neighbouring properties

12. There are residential properties in the immediate area with some properties either backing onto the play park/area of open space or that sit adjacent to it. Whilst the proposal will see the number of play items increased on site, it is considered that the additional play equipment will not have a significant additional impact on the amenity of nearby residents, beyond that of the existing play equipment on site as equipment will be located sufficiently away from any main habitable rooms ensuring that any impact in terms of outlook is minimal.
13. A number of residents have raised concerns with regards anti-social behaviour increased noise and litter. Whilst these are noted and accepted as likely impacts of the existing park and future proposals, anti-social behaviour is not a material planning consideration as it something that may or may not happen and therefore would not warrant refusal of the application. Furthermore, anti-social behaviour can take place outside shops, schools and other similar places and this would not prevent the provision of such facilities. It is important that the siting of the play equipment and the scale of the play park is appropriate for its location however and the likely extent of use that it will receive. Whilst the amount of equipment is increasing and its location within the area, it is considered that these matters would still remain suitable for this area.
14. It is noted that there is already CCTV at the top of the park which is monitored but it is noted that further improvements could be made such as ensuring foliage around the park is maintained ensuring it doesn't restrict the cameras coverage. An informative is also recommended that a review of the CCTV is undertaken to ensure it has adequate coverage but as there is existing CCTV it is not considered necessary to require additional cameras as a result of this proposal.
15. Whilst the need for additional lighting has been raised this is likely to make it more likely that equipment will be used later into the evenings, and this appears to be when the majority of the anti-social behaviour currently takes place. Lighting in this location should serve to light the footpath and make it safe for use and this is already in place in this regard.
16. Having received consultation responses from both the Police and Neighbourhood Safety Officer they are already aware that in this location, like a lot of similar such locations, playparks can attract sporadic anti-social- behaviour issues but it is recognised that careful design and management, can assist in reducing these opportunities ensuring the site and existing CCTV is regularly monitored.

Highway Safety

17. The application site is accessed via the public footpath which runs from the western side of The Avenue to the eastern side of The Resolution at the end of a cul-de-sac where there is no vehicle access. There is also no designated car park associated with the park, however this is a neighbourhood park which was originally designed and intended to provide "close-to-home" recreational opportunities to serve neighbours within walking and bicycling distances and children travelling to and from the nearby schools.
18. The additional equipment may see the increase of users of the park although it's unlikely it will be of a significant level. The park is of a modest scale which is unlikely to attract high number of visitors from outside of the area who would need to travel by car. It is therefore considered that the proposal would not result in a significant increase in terms of traffic or car parking near the site.
19. Whilst some items of play equipment have been positioned adjacent the public footpath that runs south of the park, there will still be an acceptable clearance between the equipment and footpath ensuring that the width and openness of the existing public walkway remains so that it still inviting to use and won't disrupt the use of the footpath in anyway in accordance with Policy DC1 and Secure by Design Guidance.

Conclusion

20. The proposal represents an acceptable form of development at this site, within the green space which already provides recreational and leisure areas for the public and as such is a complementary addition to the existing playpark, providing exercise / leisure opportunities for children within the area. Equipment is appropriately scaled and positioned so that it will not significantly impact the amenity of nearby neighbours or highway safety although it is recognised that the use of such areas may have adverse impacts for surrounding residents, dependent on the individuals using it. However, it is necessary to have play equipment within the community that it serves and in part grouped together, with a degree of surveillance. This site is considered to represent a good location for such provision and is considered to be in accordance with Policy DC1 (test c). The occurrence of anti-social behaviour, should it arise would need to be picked up by other agencies should it occur.
21. Officer recommendation is to approve subject to conditions.

RECOMMENDATIONS AND CONDITIONS

Approve Conditionally

1. **Time Limit**

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

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

2. **Approved Plans**

The development hereby approved shall be carried out in complete accordance with the plans/details received 27th March 2023 and shall relate to no other plans.

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

REASON FOR APPROVAL

The application is satisfactory in that the design and appearance of the proposed additional play equipment accords with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraphs 186-187 of the NPPF. In addition, the additional play equipment accords with the local policy requirements (Policy CS5 & DC1 of the Council's Local Development Framework). In particular the play equipment is designed so that its appearance is complementary to the existing playpark and will not have a detrimental impact on the appearance of the street scene or any adjoining resident or business. The proposed additional equipment will not prejudice highway safety either by obscuring visibility or be of a conspicuous or prominent appearance. The application is therefore considered to be acceptable, fully in accordance with the relevant policy guidance and there are no material considerations which indicate that the application should be refused.

INFORMATIVES

- **Review of CCTV**

Taking into account residents comments and those of the Police ALO it is advised that a review of the CCTV is undertaken to ensure it has adequate coverage to cover all equipment within the part and that planting and trees are maintained in a manner which does not unduly restrict such coverage.

Case Officer: Joanne Lloyd

Committee Date: 21st July 2023

Site location plan

APPLICATION DETAILS

Application No:	23/0272/FUL
Location:	8 Farmside Mews, Marton, Middlesbrough, TS8 9UR
Proposal:	Erection of outbuilding to rear
Applicant:	Daniel Raistrick
Agent:	Chris Boyd, P.D.S. Architectural Plans
Ward:	Marton West
Recommendation:	Approve Conditionally

SUMMARY

The application was initially to seek retrospective planning approval for an outbuilding at the property and following objections raised from residents revised plans have now been submitted relocating the outbuilding to the enclosed yard at the rear of the site.

Objections were raised from residents with regards to scale, design, appearance, materials location, amenity and impacts on the adjacent listed buildings.

The outbuildings relocation to the rear of the site will have less impact on the setting of the listed building and no impact on the neighbouring Grade II Listed former farmhouse and cottage nor would it be visible from any public vantage points or streetscene.

The outbuilding is a modest secondary addition located in the least visually intrusive position on site ensuring any impacts are minimal. The outbuilding is now considered to accord with the guidance set out in Core Strategy Policy CS4, CS5 and DC1 and principles of the Urban Design Guide and Marton West Neighbourhood plan.

SITE AND SURROUNDINGS AND PROPOSED WORKS

No. 8 Farmside Mews is one of several properties within the former farm buildings of Bonny Grove Farm. Sited in Marton, a suburb south of Middlesbrough, surrounding uses are residential in the form of the nearby former farmhouse and cottage and modern dwellings.

The proposal seeks approval for an outbuilding within a rear courtyard (repositioned from the front). The outbuilding has a footprint measuring 2.45m x 3m and an eaves height of 1.9 m and overall height of 2.7m. The outbuilding is of a timber frame and timber clad and is painted

red with white detailing and eaves. The roof is dark grey/black square shingles. The structure is to be used for storage and as a hobbyists workshop restoring old hand tools.

PLANNING HISTORY

No relevant planning history

PLANNING POLICY

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

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

Middlesbrough Local Plan

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

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).
- Stainton and Thornton Neighbourhood Plan (2022)

National Planning Policy Framework

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

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

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

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

CS4 – Sustainable Development
CS5 – Design
DC1 – General Development
Middlesbrough Urban Design Guide
Marton West Neighbourhood Plan

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

Public Responses

Marton West Community Council - Object
Councillor Ian Morrish – Object
Mr & Mrs Hobson – 16 Buxton Avenue - Object

Mr & Mrs Davison - 8a Bonnygrove Farmhouse –
Object, although later withdrawn subject to plinth being removed on site

Mr D Paul - 8B Astbury
No objection

Number of original neighbour consultations	17
Total numbers of comments received	5
Total number of objections	3
Total number of support	2
Total number of representations	5

For the purpose of the report the following objections received during the course of the application are summarised as follows –

- The building is not in character with its surroundings and is visually obtrusive in its current location.
- Unique character of the Bonnygrove Farm Grade II properties in Marton should be maintained in its current historical format for posterity and the residents of Marton and Middlesbrough
- The garden building can be clearly seen from the road on Turnberry Way
- The building does not comply with Marton West Neighbourhood Plan
- Building proximity from boundary of adjacent Listed Buildings
- Materials dissimilar construction to the adjacent grade 2 buildings and surrounding properties
- Height of building is excessive
- Restricts daylight to adjacent grade 2 listed property Bonnygrove Farmhouse notably in kitchen, utility room, hall and also rear garden

Revised location

- No mention is made in the application for the removal of the concrete foundations and electrical services in the front garden
- No mention within the revised documents of changing the building colour or the material used for the roofing.

Highways

There are no highway concerns regarding the above application.

Conservation Officer

In its current form, this retrospective application does not make a positive contribution to local character and distinctiveness contrary to Policy CS5 of the Middlesbrough Core Strategy and to paragraph 197 of the NPPF. It is causing less than substantial harm to the settings of Grade II Listed no 8 Farmside Mews and 8A and 8B Astbury, contrary to paragraph 202 of the NPPF. This harm can be removed or considerably reduced by relocation of the structure to the rear yard.

Comments and objections can be read in full via the following link –

<https://planning.agileapplications.co.uk/middlesbrough/application-details/38495>

PLANNING CONSIDERATION AND ASSESSMENT

Heritage Assets

1. Built circa mid-late 17th century, No. 8 Farmside Mews is Grade II Listed as Barn, Horse-Mill, Stables and Cartshed, c. 10m north-west of Bonny Grove Farmhouse. Red brick with clay pantile roof, its significance lies in its age and in the evidence of former agricultural use in this part of Middlesbrough, originally open countryside. Converted to residential use in the late twentieth century, it has lost its open countryside setting to housing estate development, which surrounds the former farm complex.

2. Neighbouring 8a and 8b Astbury are Grade II Listed as Former Bonny Grove Farmhouse and farm cottage. To identify it as having a different status to the farm buildings it is understood to have been rendered and painted white, also with clay pantile roof. Its significance lies in its age and in the evidence of rural development in this area, prior to the expansion of Middlesbrough suburbs.

Policy

3. Policies CS4, CS5 and Policy DC1 are the relevant policies which will be considered in this case.
4. Policy CS4 requires developments to contribute to achieving sustainable development by protecting and enhancing Middlesbrough's historic heritage and townscape character.
5. Policy CS5 aims to secure a high standard of design for all development, ensuring that it is well integrated with the immediate and wider context. Policy DC1 takes account of the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials. This is to ensure that they are of a high quality and to ensure that the impact on the surrounding environment and amenities of nearby properties is minimal.
6. The Middlesbrough Urban Design SPD (UDSPD), adopted Jan. 2013, provides design guidance for development, including for householder / domestic extensions (Section 5) and is considered to be in accordance with the NPPF in general terms and is therefore a material planning consideration and decisions should reflect the guidance within the SPD unless other material planning considerations suggest it is appropriate to do otherwise.
7. The UDSPD recommends some basic principles are applied to development which is aimed at achieving good quality development, these being. Whilst there is no specific guidance relating to outbuildings, overall the design guide advises that all extensions/additions should be of a scale that is appropriate to the existing building/site area and not of an overbearing nature. Development, which would dominate the street scene, is likely to be resisted. Additions should not look out of place in the site or in the street and should enhance, not detract from the character of the area.
8. The Marton West Neighbourhood Plan is also of relevance. MW6 (Design)of the plan states:-
 - a) proposals should reflect and enhance the character of the area in terms of its scale, massing, proportion, form and materials;
 - b) be similar in scale and proportion to existing buildings and will have a garden that is similar in size and sits comfortably with the gardens of adjacent properties;
 - c) if it faces a street or is visible from a street reflect the rhythm, scale and proportion of the street scene;
 - d) not have an overbearing or a detrimental impact on the privacy and amenity of proposed or existing properties;

Proposal

9. This application relates to an ancillary outbuilding within a residential curtilage and which was initially erected to the south-eastern corner of the site which the

application identifies as the front garden, albeit not necessarily reading as a front garden from the immediate surrounding area.

10. The structure is 2.9m tall from the ground to the ridge of the roof, walls are made of overlapping timber shingles, painted red, the roof is grey felt with a white fascia and there's a red door and two white-framed windows on the front elevation, which faces the application dwelling. The overall design is similar to that of a summerhouse.
11. The proposed outbuildings position (as erected at the front) were considered to not fit with the appearance of the building grouping as former agricultural buildings, particularly nos. 8A and 8B Astbury, the neighbouring, white rendered, former farmhouse and cottage, which it has been sited less than five metres away from. In terms of size, design and colours, the structure appears quite different to other sheds and summerhouses in the area and in view of these matters and being positioned in a partly visible section of the dwellings curtilage, was considered to result in harm to the settings of the application dwelling and neighbouring 8A and 8B Astbury.
12. Historic England guidance advises that new ancillary buildings for converted farm buildings need to be designed to reduce the impact of their new use and retain as much evidence of the building's original use as possible. In open countryside, where a Listed Building's setting is less altered, the principle of such a structure may be harmful in principle. This is not the case here, where the entire loss of the Listed Building's open countryside settings to residential development make the principle of such a structure more suitably related to the remaining form / layout of buildings subject to being appropriately located and designed.
13. To the other side of the application dwelling, the rear is identified as a 'yard' and was confirmed on site to function as a rear courtyard / amenity space. This area was identified as a better, more enclosed and less prominent, location for the structure.
14. As a result, revised plans have since been submitted repositioning the outbuilding to the rear of the site. Here, alongside the red brick walls on all three sides of courtyard, it will have less impact on the setting of the application dwelling and no impact on the neighbouring Grade II Listed former farmhouse and cottage nor would it be visible from any public vantage points or streetscene.
15. The outbuilding is a small single storey secondary addition that is to be relocated to the rear of the site within the enclosed walled yard to provide a hobby room/home workshop for the applicant. The outbuilding is of contrasting materials to the host property and the functional characteristic of the host property and this is considered to be suitable within this residential curtilage. Its re-location to the back of the site will ensure that it is sympathetically placed and set suitably away from the adjacent listed buildings and will not impact on their setting or be visible from outside the application site and therefore would not impact on the character and appearance of the area.
16. No significant landscape value or trees would be lost as part of the works and access to and from the property will be unaffected and a good level of outdoor amenity space will be left following the works.
17. Overall, the scale, design, location and materials of the outbuilding is considered would not have a significant impact on the setting of the adjacent listed buildings. The outbuilding is a modest secondary addition located in the least visually intrusive

position on site ensuring any impacts are minimal. In view of the above the outbuilding is considered to accord with the guidance set out in Core Strategy Policy CS4, CS5 and DC1 and principles of the Urban Design Guide and Marton West Neighbourhood plan.

Impacts on the privacy and amenity of the neighbouring properties

18. Core Strategy Policy DC1 comments that all new development should consider the effects on the amenities of the occupiers of nearby properties both during and after completion.
19. In this case the outbuilding will be set alongside the western boundary to the rear of the site, whilst it will sit close in part to the northern and western boundaries the outbuilding is positioned sympathetically to ensure that it is offset from any windows. The existing boundary treatment and mix of trees to the western boundary will also offer an element of screening to the immediate neighbours with its top part - approx. 0.9m, being visible above the existing boundary treatments only. Whilst part of the outbuilding may be visible to some degree from adjacent properties the outbuilding is not considered excessive or of a scale or sited in such a way that would significantly impact the amenity of the immediate neighbours. The separation distances between the neighbouring properties is acceptable in this case. The outbuilding will be set away from any primary room windows ensuring that any impact in terms of loss of light, visual impact, outlook and any loss of amenity will be minor in accordance with Policy DC1 (test c).

Highway related matters

20. The proposals will have no implication on highway safety, access to and from the property and car parking arrangements on site would also be unaffected. The works are therefore compliant with Policy DC1 (test d).

Conclusion

21. The proposal has been assessed against local policy and guidance and is considered to be a high-quality development that is in keeping with the host dwelling in terms of scale and design and would not have any undue impacts on privacy or amenity associated with adjacent properties, nor would it impact negatively on the listed building or any of the surrounding properties. In view of the above, the proposal is considered to be an acceptable form of development fully in accordance with National and Local policy and is therefore recommended for approval.

RECOMMENDATIONS AND CONDITIONS

Approve Conditionally

1. **Time Limit**

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

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

2. **Approved Plans**

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

a. Updated Existing & Proposed Block plan, Proposed Elevations – Drawing No. 2023/DKR/01 received 17th August 2023.

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

3. **Removal of concrete plinth**

The concrete plinth at the front of the site shall be removed within 3 months from the date of this approval.

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

REASON FOR APPROVAL

This application is satisfactory in that the outbuilding to rear; accords with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraphs 186-187 of the NPPF. In addition, the outbuilding to rear accords with the local policy requirements (Policies CS4, CS5 & DC1 of the Council's Local Development Framework).

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

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

INFORMATIVES

Case Officer: Joanne Lloyd

Committee Date: 12-Oct-2023

Site location plan



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