

## PLANNING AND DEVELOPMENT COMMITTEE

<b>Date:</b> Thursday 8th February, 2024
<b>Time:</b> 1.30 pm
<b>Venue:</b> Mandela Room

### AGENDA

**No site visits will be held prior to this meeting**

1. Apologies for Absence
2. Declarations of Interest
3. Minutes - Planning and Development Committee - 11 January 2024 3 - 6
4. Schedule of Remaining Planning Applications to be Considered by Committee 7 - 96
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  - Item 1 – Land at Ford Riding Centre - Page 9
  - Item 2 – J H Proudlock Ltd, Emmerson Street – Page 43
  - Item 3 – 136 Low Lane – Page 59
  - Item 4 – Discovery Special Academy – Page 73
5. Applications Approved by the Head of Planning 97 - 100
6. Planning Appeals
7. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin  
Director of Legal and Governance Services

Town Hall  
Middlesbrough  
Wednesday 31 January 2024

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](mailto:Joanne_McNally@middlesbrough.gov.uk)**

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on Thursday 11 January 2024.

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

**ALSO IN ATTENDANCE:** M Dolby

**OFFICERS:** P Clarke, A Glossop, R Harwood and J McNally

**APOLOGIES FOR ABSENCE:** I Morrish

23/20 **DECLARATIONS OF INTEREST**

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

23/21 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 16 NOVEMBER 2023**

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

23/22 **SCHEDULE OF REMAINING PLANNING APPLICATIONS TO BE CONSIDERED BY COMMITTEE**

The Head of Planning submitted plans deposited as applications to develop land under the Town and Country Planning Act 1990.

**23/0424/FUL, Chandlers Ridge Primary School, Chandlers Ridge, Middlesbrough, a single storey extension to the existing school building to create 2 new classrooms with associated external works in the existing car park.**

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 along with detailing consultee and other responses.

Members heard that planning permission was sought for a single storey extension to the west of the main school building with associated external alterations, and alterations to the existing car parking area. The proposals would also alter the arrangements for the existing bin stores which would be relocated close to their existing location. Seven car parking spaces would be lost in order to facilitate the proposed extension.

The proposed extension is a modest secondary addition to the school which would be finished in matching materials and would generally be in keeping with the scale and appearance of the existing school building. The extension would be set well back into the site and would not create an incongruous feature when viewed from the public realm.

Members heard that the proposed extension would bring the school building closer to residential properties although a reasonable intervening distance would remain and as such there would be no notable adverse impact on residential amenity.

The Development Control Manager advised Committee Members that objections had been raised by residents and the Parish Council mainly in relation to parking and highway safety.

As part of the extension the car parking area would be partly built on and changes made to the car parking layout. Parking numbers were proposed to be reduced by 7 spaces from 29 to 22. Members were advised that the school car park was only used by staff, visitors and for deliveries i.e it was not available for use by the public nor parents.

The Development Control Manager advised that the Tees Valley Design Guide indicated a

parking requirement for the school including the extension as being 25 spaces. The Tees Valley Highway Design Guide indicates that the school could provide 25 spaces. The level of provision was therefore only 3 spaces below that set out in the Design Guide. Members heard that in addition to this guidance the school had undertaken surveys which demonstrated that the parking was not fully utilised and as such the reduction in spaces could be accommodated without harm or displacement of parking.

It was also advised that the access to the school and carpark would not be altered by this proposal and there would be no change to the way in which the children attend the school. Members heard that the addition of the 2 classrooms could increase the number of children attending the school which by default could increase the number of parents attending the school to drop off/collect their children.

Members heard that the Council's Highway's Officer had considered the proposed scheme and considered that the level of parking was adequate for the overall site use, and in order to further assist with car parking and school traffic at peak times, had recommended conditions should be applied to require the submission and operation of a Travel Plan which encourages people not to use cars as a mode of transport and also details of cycle parking at the school.

The Development Control Manager stated that 28 neighbour consultations had taken place, 4 responses had been received objecting to the planning application and concern was also raised by Nunthorpe Parish Council regarding parking and highway safety. The Parish Council suggested the Council and School work together to address the concerns over loss of staff parking and increased traffic.

Detailed reasons for objection relating to the principle of the development are listed below:

- Has seen the school grow over the last 20 years. Can be chaos at drop off and pick up times. Would not have an issue with the new classrooms if provision is made for traffic
- Suspect the development would lead to more traffic problems. Works will result in worse issues given the reduction in spaces. Issues getting off the drive during peak times. The scheme requires a review of the infrastructure
- Concerns the scheme will make the existing car parking issues worse, including footpaths and driveways being blocked. It could result in more cars visiting the site and an increase in pollution. Issues of where the construction traffic will park. Questions the need for the extension.
- Concerns over the dangers to pedestrians with increased traffic.

The Development Control Manager advised members if the application were to be approved it would be with the following conditions:

#### Materials - Matching

The materials to be used in the construction of the external surfaces (including windows) of the development hereby permitted shall match those used in the existing building, or shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

#### Cycle Provision

The development hereby approved shall not be commenced until details of covered and secured cycle parking facilities have been provided in accordance with plans which are subsequently submitted to and approved in writing by the Local Planning Authority.

#### 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

#### Travel Plan

Within 3 months of the commencement of development hereby approved a full Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented prior to first occupation with the development thereafter being occupied in accordance with the approved Travel Plan unless agreed otherwise in writing by the Local Planning Authority.

A Member queried whether there was a need for additional school places in the area. The Head of Planning advised that the Council had agreed to offer Vision Academy Learning Trust a grant to carry out remodelling and expansion works at Chandlers Ridge Academy. The purpose of the Grant (secured by 106 payments) was to support the provision of additional capacity at the Academy to meet the needs arising from the Grey Towers Farm housing development and assist the Council to ensure there are sufficient school places.

A Member raised concerns that there was no representation at the meeting from the school to answer queries regarding the increase of the school role because of the 2 additional classrooms. The Members concerns included the potential of up to 50 additional pupils could be using the school in the long term which would increase the number of vehicles attending the school.

The Development Control Manager advised that the Travel Plan would be used to reduce the number of vehicles attending the school as it would encourage not just staff but parents and pupils to use other means of transport to get to and from the school.

A Member suggested using some of the grassed areas within the school as additional parking spaces. The Development Control Manager advised that the planning department could go back to the school to see if this could be an option.

A Member queried what would be in the Green Travel Plan, it was advised that they are of a relatively standard format and can include methods of encouraging parents not to drive to school, staff car-sharing, travelling by alternative means including bus, train, and cycle, it was advise that the Travel Plan would need to be agreed with the planning officers were permission to be granted.

A resident spoke in objection of the application and raised the following concerns:

- Photographs presented to the Committee did not reflect typical parking outside of the school
- Car park is also a delivery area with big trucks reversing
- Chaos at school parking times
- School does not take any responsibility for parents parking outside of the school
- Should be plans in place for traffic management by the school
- A child could be seriously injured or killed
- Can we have tangible control of traffic in the area

It was advised that the Council had secured funding to employ a further 8 Enforcement Officers whose remit would be to focus on parking around school grounds.

**ORDERED: That the application be deferred to a future meeting of the Planning and Development Committee to allow the school to explore further parking provision within the school grounds, to detail options in relation to the travel plan and request that a representative attend the meeting to answer queries from Members.**

23/23      **APPLICATIONS APPROVED BY THE HEAD OF PLANNING**

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

**NOTED**

23/24      **PLANNING APPEALS**

The Development Control Manager provided a verbal update to Members of the Committee on the outcome of various planning appeals.

**NOTED**

23/25      **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

NONE

## Agenda Item 4

### Planning & Development Committee Schedule - 08-Feb-2024

#### Town Planning applications which require special consideration

1	<p>Reference No: 22/0524/MAJ</p> <p>Ward: Marton West Nunthorpe Ward buffer = Marton West Ward buffer = Nunthorpe</p>	<p>Applicant: Stonebridge Homes Ltd and Susan Jamieson</p> <p>Agent: Barton Willmore</p>	<p>Description: Erection of 45 dwellings along with open space and associated infrastructure (Demolition of existing buildings)</p> <p>Location: Land at Ford Riding Centre, Nunthorpe</p>
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2	<p>Reference No: 23/0291/FUL</p> <p>Ward: Park</p>	<p>Applicant: Sadiq and Finnegan</p> <p>Agent: Lee Wardman</p>	<p>Description: Erection of 6No Industrial units for Use Class B2 &amp; B8 (demolition of existing buildings)</p> <p>Location: J H Proudlock Limited, Emmerson Street, Middlesbrough</p>
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3	<p>Reference No: 23/0556/VAR</p> <p>Ward: Kader</p>	<p>Applicant: Courtyard Care Ltd</p> <p>Agent: RPS Consulting Services</p>	<p>Description: Variation of condition 3 &amp; 4 (use Restrictions) on planning application 22/0714/COU to allow property to be used as care facility to children and young adults</p> <p>Location: 136, Low Lane, Middlesbrough, TS5 8EE</p>
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4	Reference No: 23/0631/MAJ  Ward: Kader	Applicant: Jennifer Duncan  Agent:	Description: Erection of single storey Secondary School building (class F1) with associated works including landscaping, fencing and extension to parking area  Location: Discovery Special Academy, Sandy Flatts Lane, Middlesbrough, Middlesbrough, TS5 7YN
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## APPLICATION DETAILS

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<b>Application No:</b>	22/0524/MAJ
<b>Location:</b>	Land at Ford Riding Centre, Nunthorpe
<b>Proposal:</b>	Erection of 45 dwellings along with open space and associated infrastructure (Demolition of existing buildings)
<b>Applicant: Company Name:</b>	c/o agent, Stonebridge Homes Ltd and Susan Jamieson
<b>Agent: Company Name:</b>	Lucie Jowett, Barton Willmore
<b>Ward:</b>	Marton West, Nunthorpe, Ward buffer = Marton West, Ward buffer = Nunthorpe
<b>Recommendation:</b>	Approve with conditions subject to a s106 agreement

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## SUMMARY

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Permission is sought for the demolition of some existing buildings on the site and the erection of 45 dwellings, including 18 bungalows, with associated access, landscaping and infrastructure on land at the Ford Close Riding Centre to the east of Brass Castle Lane.

Following a consultation exercise objections were received from residents from 6 properties, Community Councils, Nunthorpe Parish Council and Ward Councillors.

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

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

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## SITE AND SURROUNDINGS AND PROPOSED WORKS

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

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

Permission is sought for the demolition of some of the existing buildings on the site and the erection of 45 dwellings on the Ford Close Riding site. The dwellings proposed consist of:

- a) 13 no. three bed dwellings;
- b) 15 no. four bed dwellings; and,
- c) 17 no. five bed dwellings.

18 dwellings (40% of the proposed dwellings) are bungalows, all the properties are detached dwellings.

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

Documents submitted in support of the application include:

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

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## PLANNING HISTORY

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20/0199/FUL - Demolition of existing buildings and the erection of 69 dwellings (including 19no. bungalows) with open space and infrastructure.

Land at Ford Close Riding Centre, Brass Castle Lane, Middlesbrough

Refused 8th December 2020

Appeal Dismissed 20th October 2021

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## PLANNING POLICY

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

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

#### Middlesbrough Local Plan

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

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

#### National Planning Policy Framework

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

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

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

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

DC1 - General Development, CS5 - Design, CS4 - Sustainable Development, CS17 - Transport Strategy, UDSPD - Urban Design SPD, CS20 - Green Infrastructure, H1 - Spatial Strategy, MWNP - Marton West N'hood Plan, H11 - Housing Strategy, HGHDC - Highway Design Guide, H31 - Housing Allocations, H12 - Affordable Housing, CS18 - Demand Management, H30 - Land at Ford Close Riding Centre, CS19 - Road Safety, MW4 - Land at Ford Riding School, CS6 - Developer Contributions, MWC1 - Minerals Strategy, MWC4 - Safeguarding Minerals, MWP1 - Waste Audits

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

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## CONSULTATION AND PUBLICITY RESPONSES

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

Objections have been received from residents from 6 properties, these are summarised below.

- a) Object to any more homes in this area;
- b) Use to be a semi-rural area, now surrounded by houses;
- c) Loss of green space;
- d) Increase in traffic;
- e) Inadequate parking/fronts dominated by parking;
- f) Question the accuracy of the traffic projections;
- g) Increase in congestion;
- h) Brass Castle Lane isn't safe for pedestrians;
- i) Residents will be car reliant, they will not walk or cycle to places;
- j) Measures should be required to discourage or prohibit through traffic;
- k) Traffic calming measures should be required;
- l) Increase in noise;
- m) Additional tree planting should run the full length to make a natural green wall;
- n) Impact on wildlife, wildlife being displaced from their habitats;
- o) Increase in flooding;
- p) Pond is higher than parts of Bonny Grove which could result in flooding of Bonny Grove;
- q) Houses are not high quality high value as required;
- r) 5 bed executive homes are not needed;
- s) Marton and Nunthorpe need affordable homes for young people/1st time buyers
- t) No reference to broadband, any new dwellings will impact broadband speeds for existing properties. The development should provide fibre broadband to affected properties;
- u) Not enough community assets/amenities to serve a growing population;
- v) They have not proposed any bungalows, only dormer properties;
- w) An 'executive' bungalow has four or more bedrooms on the ground floor, no such properties have been included;
- x) Only 10 out of 185 bedrooms are on the ground floor which represents 5.4% which is trivial;
- y) Not in accordance with the Marton West Neighbourhood Plan;

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- z) The local plan is out of date in relation to its assessment of current housing need in 2022;
- aa) Middlesbrough Council have breached its legal requirement to review its local plan every five years;
- bb) Latest housing land supply figures (April 2021) confirm that there is no requirement for land at this site to be developed;
- cc) Council have failed to implement adequate infrastructure;
- dd) Development is outside the local plan;
- ee) Goes against Planning Inspectors comments in previous appeal; and,
- ff) The whole planning concept is flawed. The development is part of the wider Grey Towers Village, Grey Towers, Bridle Woods and Ford close are being looked at as separate developments when in reality they are in the same land and location carved into sections.

Resident comments received from:

1. 3 Bonny Grove
2. 29 Bonny Grove
3. 7 De Brus Park
4. 20 Eagle Park
5. Sunnycross House, Brass Castle Lane
6. Woodland, West Moor

#### Planning Policy - MBC

The application site is allocated for housing in the Housing Local Plan policy H30 which allows for a maximum of 50 dwellings policy H1 allows for additional dwellings if the design and quality of the development is not compromised. This application seeks permission for the erection of 45 high quality executive dwellings which is in accordance with policy H30.

The development does meet the National Planning Policy Framework aims and objectives regarding increasing and delivering a wide choice of high quality homes. In addition the provision of 18 bungalows is in accordance with the Marton West Neighbourhood Plan and enhances the types of dwellings available adding to the quality of the development.

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

#### Highways - MBC

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

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

No objections are raised subject to relevant conditions.

#### Waste Policy - MBC

Properties served by a shared drive will be required to make their receptacles available for collection at the nearest public highway. Bin Collection Points must be located on the public highway. There is concern regarding the circular access road to the northwest of the development. The refuse swept path analysis appears to be very tight, offering no spare

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capacity, especially where residential vehicles are likely to park. The swept path analysis proves it's possible, but I do feel they are very tight.

#### Environmental Health - MBC

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

#### Public Rights of Way - MBC

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

#### Local Flood Authority - MBC

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

#### Archaeology

New drainage basins, house-types, and drainage levels, appear to be new features of the revised submission. However, the area of proposed development and archaeological potential of that area remains unchanged following archaeological evaluation and report; so our advice continues to be that development of the application site is unlikely to be archaeologically significant, and if planning permission were granted no archaeological conditions would be required.

#### Secured by Design - Cleveland Police

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

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

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

#### Northumbrian Water

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

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

Sufficient detail with regards to the management of foul and surface water from the development has been submitted for Northumbrian Water to be able to assess our capacity

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to treat the flows from the development. We therefore request a condition that requires the development to be built in accordance with the submitted details.

#### For Information Only

Please note that the site lies within drainage area 11-D42. This drainage area discharges to Bran Sands Sewerage Treatment Works, which is named on the Nutrient Neutrality Budget Calculator.

#### 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.

#### 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 conditions relating to water consumption and nutrient neutrality mitigation.

#### Cleveland Fire Brigade

Cleveland fire Brigade offers no representations regarding the development as proposed.

However, Access and Water Supplies should meet the requirements as set out in:

- Approved Document B, Volume 1:2019, Section B5 for Dwellings.

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 1 Section B5 Table 13.1.

It should be confirmed that 'shared driveways' and 'emergency turning head' areas meet the minimum carrying capacity requirements as per ADB Vol 1, Section B5: Table 13.1, and in line with the advice provided regarding the CARP, above.

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

#### Marion West Community Council

At a meeting held this month by MWCC the planning application submitted to Middlesbrough Planning Department for housing at the former Ford Riding Centre was discussed at length. A vote was held and unanimously resulted in the decision to object to approval of this application based on the following points.

Marion has a finite infrastructure for the current housing and some are now over 70 years old.

Whilst new houses are being built to house a new influx of residents and subsequently increase the population within the Marion West community, the current infrastructure and support services have not been increased to service the residents, both existing and new.

The main A172 road services into Middlesbrough euphemistically called the "Marion Crawl" has not been improved to cope with the increased volume of traffic, due to the new housing

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currently being constructed. Stainton Way was widened in an attempt to improve traffic flow but has failed and traffic from the new housing at Marton and Nunthorpe has exacerbated the problem.

If additional new housing was approved for the former Ford Riding Centre it would also place a strain on other services within Marton. This includes, Doctors, Pharmacy, Schools, Shops, Waste Collection services and Council Grass-cutting.

MWCC would also point out that the submission for the housing was to include for single storey bungalows. After reviewing the plans for this development we note that the bungalows are of dormer construction over two levels to cater for large families and not small households.

#### Nunthorpe Parish Council

Nunthorpe Parish Council would like to submit the following concerns from Nunthorpe residents to the above planning application, submitted on behalf of Stonebridge Homes.

Nunthorpe Parish Council acknowledge the land is within Marton West Ward, however wish to draw to your attention concerns due to the impact on neighbouring Nunthorpe residents and infrastructure should this development proceed.

1. Stonebridge Homes Planning Statement state within the 'site context' "The site is located in Nunthorpe on the southern boundary of Middlesbrough..." (2.1). It is therefore somewhat concerning Barton Willmore, acting on behalf of Stonebridge has failed to acknowledge previously mentioned road safety concerns directly relating to the connection between Brass Castle Lane and Dixons Bank "The site can be accessed from the A172 (Dixons Bank)..." (2.2) along with any impact on the educational infrastructure within Nunthorpe Schools, referring only to nearby Schools Lingfield Primary and Kings Academy. (2.3).
2. The submission from Stonebridge Homes appears to rely on the Framework of the 2014 Housing Local Plan which was regarded as so outdated that Middlesbrough Council undertook almost all of the stages to replace it in 2018. In turn, Middlesbrough Council reopened discussion even about the draft 2018 Plan to reflect further economic and societal changes – in addition to the changing priorities of Middlesbrough Council, being the moratorium on house building in this area, promised by the Mayor and now results in a proposed dedicated plan for Nunthorpe and ongoing development of the Nunthorpe Nineteen. Therefore the proposal to focus on "executive housing" is now doubly anachronistic - but Stonebridge Homes proposes to exceed even this very outdated framework by constructing more executive houses than thought reasonable in a more optimistic era. Despite recent evidence of demand, most of these buildings would be 4/5 bedroom dwellings. The wide ranging consultation for development within our area recently undertaken suggests bungalows and accessible homes should be accorded highest priority in housing development. Consequently endorsement by one part of Middlesbrough Council of a proposed build of 45 houses, accepting executive dormer houses rather than bungalows would appear to undermine the efforts on another part of Middlesbrough Council to promote coherent development in line with a comprehensive framework. Nunthorpe Parish Council wish to note the submission by the developer fails to meet the requirement of Marton West Neighbourhood Plan policy MW4 which requires that "an element of the dwellings provided should be bungalows". The developer does not meet the requirement for bungalows as the house type proposed is regarded as a dormer.
3. Nunthorpe Parish Council draws attention to the serious infrastructure issues already existing in the Nunthorpe and neighbouring wards. These include the obvious traffic



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infrastructure problems (referenced by the phrase “Marton Crawl”) unfortunately still in existence despite the extensive works undertaken on Dixons Bank approaching Southern Cross junctions, but also extend to the lack of adequate educational and community facilities. Stonebridge Homes remain dismissive of the clear incremental impact entailed by every housing development. Nunthorpe Parish Council would be failing in our duty to current residents if we did not once again draw the attention of the Planning Authority to the inevitable exacerbation of existing problems if the application were to proceed to construction.

4. There are numerous matters of detail about which we have concerns. For example, in addition to road safety issues of access between Brass Castle Lane and Dixons Bank, we have concerns about the location of access from Brass Castle Lane into the development, and we note the inevitable increase in traffic along Brass Castle Lane poses an additional safety hazard due to the limited provision of footpaths and extremely limited safe passing distance awarded to cyclists or horse riders. An additional potentially overlooked dimension is the impact of an additional housing development on the provision and demand on broadband in the area.

We reiterate that we are certainly not opposed to all the housing development in Nunthorpe, but Nunthorpe Parish Council remains consistent in our stance that housing development must be preceded by a coherent infrastructure plan, and must fit within a coherent planning framework. Neither of these currently exist, but we remain encouraged that the Mayor, the Cabinet, the Chief Executive and senior management team continue to be actively engaged in discussion to achieve this.

We request that the planning application by Stonebridge Homes be refused.

In addition the Parish Council share the concerns raised by Cleveland Police regarding security and lighting on the site. Along with the concerns raised by Highways regarding the Lollipop style turning circle being tight. The Parish Council are aware of the extreme difficulties and impact of such a turning circle experienced by residents on neighbouring Grey Towers Village, therefore request highways take this into consideration.

Former Councillor Chris Hobson (Marton West Ward)

Note: These comments were received when Chris Hobson was still an elected Councillor.

I wish to object to the planning application for Ford Close Riding School. This is not in keeping with our neighbourhood plan which as you know was written by the people for the people of Marton West. The supposedly bungalows on this plan are not bungalows at all. They are showing three bedrooms in the roof of a one and half storey building nothing like a bungalow which is a building of one floor.

Councillor Mieka Smiles (Nunthorpe Ward)

Although I note that the original plan has been changed I still wish to make an objection as follows:

- The application is still not in accordance with the Marton West Neighbourhood Plan. The 'bungalows' proposed are actually two storeys and not in the spirit of what the plan sets out.
- The access onto Brass Castle Lane is of particular concern - with the narrow lane being insufficient to take that kind of output proposed in that location.
- The development puts undue pressure on an already stretched infrastructure – including Nunthorpe community facilities (or lack thereof), education provision and roads – explicitly the Marton Crawl.

- We as a community have had a number of un-kept promises tied into development of nearby land – a community centre, woodland walks, restaurant and pub.
- Any development here will mean further erosion of our green space and potential loss of habitats.

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## PLANNING CONSIDERATION AND ASSESSMENT

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1. During the application process the developer has worked with the planning officers to make any changes considered necessary to improve the quality of the proposed scheme. Revised details were submitted making changes to the layout and providing additional details and information. The revised details are the subject of this report.

### Principle of Development

2. The principle of housing on this site has been approved through the allocation of the site in the adopted 2014 Housing Local Plan under policy H30. Policy H30 states proposals are expected to provide a maximum of 50 high quality, high value executive dwellings, which reflect the housing types within the surrounding area. The proposed development seeks consent for 45 dwellings, by providing a mix of detached dwellings ranging from 3 to 5 bedrooms and including 18 bungalows. The number of dwellings results in a density of 17 dwellings per hectare in the net developable area and 8 dwellings per hectare across the gross area. This reflects the density of surrounding areas and is considered to be in accordance with the requirements of Policy H30.
3. The application site is also within the boundaries of the 2021-29 adopted Marton West Neighbourhood Plan. Policy MW2 supports the sustainable growth of Marton West in accordance with the Local Plan. Policy MW4 supports development proposals at the Ford Close Riding School site which provide for a high-quality residential development, and where an element of the dwellings provided are bungalows. Policy MW4 suggests that at least 40% of the development should be bungalows, but recognises that this figure is aspirational and the proportion of bungalows on site must be considered in the context of the overall deliverability of the development.
4. The proposed scheme for 45 dwellings includes 18 bungalows which is 40% of the dwellings proposed. As a result the development achieves the high percentage of bungalows aspired to in Policy MW4 of the Neighbourhood Plan.
5. Policy H12 and H30 require 15% of dwellings to be affordable provided as 5% on site and a 10% off-site contribution. Policy H12 allows variations in the proportion of on/off-site provision where it can be demonstrated that this would better contribute to the creation of mixed and balanced communities through the diversification of housing tenure. Policy H30 states 15% on site affordable housing or off site provision is required. The proposed development must provide 7no. affordable dwellings, this will be secured through a financial contribution in the s106 agreement to be provided offsite. This meets the requirements of both policy H12 and H30.
6. Whilst it is noted that the Local Plan is under review and discussions are taking place regarding developments within Nunthorpe and Marton West. The adopted Local

Plan is the current legal starting point. An application cannot be refused on the basis of an emerging local plan which has not currently reached the publication stage.

## Highways

### Impact

7. The application has been supported by a Transport Statement to assess the potential impact in the network. Trip rates used in assessing the impact of the proposed scheme are consistent with other recently approved schemes and based on survey data of similar sites. Based on this approach the 45 proposed dwellings are expected to generate in the region of 36 vehicle movements during the peak network periods. This level of traffic generation is in the region of one movement every two minutes which will not have a material impact on the operation of the adjacent network.
8. A previous application for 69 residential units on the site was refused (20/0199/FUL) however it is worth noting that the grounds for refusal did not include highways/traffic matters. This previous application assessed the impact of the development using the authorities strategic Aimsun model and determined that the site would not have a material impact on the operation of the surrounding highway network nor can be classed as severe, which is the benchmark set out in the NPPF against which proposals are assessed.
9. Clearly the current proposals are for fewer units and as such would generate less traffic leading to an even smaller potential impact on the network. The position has therefore been established that the development as proposed is acceptable in traffic terms.

### Access

10. Access to the proposed site is to be taken from Brass Castle Lane via a new junction. The sightlines and proposed geometry of the junction are in accordance with national guidance and suitable to serve the development proposed.
11. As part of the development proposals a number of changes/works are proposed to the local highway environment which are briefly set out below;
  - Speed Limit  
The 30mph/40 mph speed limit boundary on Brass Castle Lane will be relocated circa 45m South. This will result in the 30mph scheme and the street lighting being extended to a point South of the proposed site access. A new gateway feature at the change in speed limit will be introduced, consisting of signage and lining to reinforce the change in speed limit and to influence driver behaviour.
  - Pedestrian Infrastructure  
A new footway will be provided to the sites Northern boundary on Brass Castle Lane to connect into internal footpaths which in turn connect into adjacent routes and the Grey Towers Farm development. Tactile paving and crossing points across the junction with Brass Castle Lane and Brass Castle Lane itself which will enable pedestrians/cyclists to access the existing footway/cycleway on the northern side of Fulford Way/ Brass Castle Lane.
  - Public Transport  
Improvements will be made to the Eastbound and Westbound bus stops serving the site consisting of hardstanding, easy access kerbs, flag, shelters and real time display.

12. In addition to the above physical works being delivered a financial contribution towards strategic highways infrastructure is to be made and secured through a S106 Agreement.

#### Design & Parking

13. The internal layout has been designed to adoptable standards and will be constructed and offered for adoption through agreement under the Highways Act 1980. Internal roads have a hierarchy and are laid out to naturally restrain vehicle speeds to a maximum of 20 mph. In response to waste policy comments the width of the circular road was increased. Vehicular swept path analysis for vehicles associated with the site, including the authorities refuse vehicles have been submitted and demonstrate that these vehicles can successfully negotiate the site.
14. Car parking has been provided in accordance with the Tees Valley Design Guide and in curtilage parking has been supplemented with areas of managed visitor/casual caller parking.

#### Sustainability

15. The site is in a sustainable location with the potential for travel by non-car modes maximised. Works proposed as part of the development will provide further facilities and ensure that the development integrates into the wider pedestrian/cycle network.

#### Flood Risk and Drainage

16. A Flood Risk Assessment and a full detailed drainage scheme has been submitted in support of the application. The site is within National Flood Zone 1 which is classified as having a low probability of flooding, less than 1 in 1000 annual probability of river or sea flooding (<0.1%), residential dwellings are therefore an appropriate form of development in line with the NPPF technical guidance table 3.
17. The proposed sustainable drainage scheme is incorporated into the landscape to provide a high quality green environment which features including two detention basins and swales, and will mitigate against flooding at the site.
18. Surface water from the development will feed into Marton West Beck which is currently the subject of a scheme of improvement works. It is considered necessary to seek a s106 contribution towards works to the beck.
19. The Local Flood Authority and Northumbrian Water have considered the submitted flood risk assessment and drainage details and have no objections subject to relevant conditions. The development is considered to be in accordance with the requirements of Policies DC1 and CS4.

#### Environmental health

20. Environmental Health have considered the application in relation to noise from the highway, air quality and site contamination. The site is not situated within or close to an air quality management area. The Transport documents demonstrates that the two-way vehicle trips generated by the development is not expected or anticipated to significantly increase air pollution emissions.

21. Environmental Health have confirmed that they have no objections to the development subject to conditions to ensure the development is carried out in accordance with the noise assessment and site investigations.

### Amenity

22. Only one existing dwelling is immediately affect by the application, all other dwellings are separated by woodland, hedgerows and roads. The separation distances with existing residential dwelling and those to be constructed at the adjacent Grey Towers site meet or exceed the 21m (front to front) 14m (front to side) guidance in the Urban Design SPD. As a result the proposed development will not have a detrimental impact on the privacy of existing residents or approved dwellings and will not have any impact on light or result in overshadowing.
23. Internally within the development separation distances generally exceed the SPD guidance. During the application process the layout has sought to maximise the separation distances where possible through the orientation of dwellings within their plots and the housetypes proposed. There are areas where the separation distances fall marginally short of the 21m/14m guidance. Where there is a shortfall it generally relates to bungalows and assists in providing a good quality layout and focal points within the streetscene enhancing the overall urban design of the site and is considered to be a positive element of the development. The separation distances, combined with the house types and location of windows, ensures that the dwellings have high levels of amenity in relation to privacy and light.
24. The proposed dwellings exceed the government's space standards for new dwellings offering good amenity for the residents which is considered to contribute towards a high quality scheme. This reflects the executive nature of the proposed dwellings.
25. It is considered that the development will not have a detrimental impact on the amenity of any existing residents, and the layout will ensure that new residents have high levels of amenities including privacy and light. The development is considered to be in accordance with the requirements of Policy DC1 and CS5.

### Design

26. The site is located adjacent to the ongoing Grey Towers development and to the southeast of dwellings at Bonny Grove. The scheme has a density of 17 dwellings per hectare which is in keeping with the densities of the surrounding housing estates. The dwellings are large executive dwellings that sit in generous plots.
27. The development has been designed taking cues and characteristics from the surrounding areas in relation to design details and the use of varying boundary treatments (including walls, railings, fences and hedges), landscaping and the fenestration, and roof types. The dwellings will be constructed using high quality finishing materials.
28. The proposed housetypes are large properties exceeding government space standards. 10 House types are proposed offering a mix of 3, 4 and 5 bedrooms. 3 of the house types are bungalows with a bedroom in the roofspace, 6 house types are two-storey dwellings and 1 is a two-storey dwelling with a room in the roofspace. This is in accordance with the policies within the Neighbourhood Plan which requires

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a proportion of bungalows on this site and restricts house heights in Marton West to no higher than 2 ½ storeys.

29. A number of comments have been received in objection to the bungalows that have been proposed stating they are not bungalows and should be single storey. Ward v Paterson [1929] 2 Ch 396 defines a bungalow as a building of which the walls, with the exception of any gables, are no higher than the ground floor, and of which the roof starts at a point substantially not higher than the top of the wall of the ground floor, and it does not matter in what way the space in the roof of a building so constructed is used. As a result a bungalow does not specifically mean rooms cannot be located in the roof space.
30. Following comments from the Planning Officers revised bungalow housetypes were received. The proposed bungalows meet the legal definition of a bungalow. The bungalows are low in height and have the majority of bedrooms on the ground floor with only one bedroom in the roofspace. The proposed bungalows are large, high quality dwellings suitable for an executive development, that provide large amounts of ground floor living accommodation.
31. The layout has been designed with bungalows scattered throughout the layout where they break up the larger dwellings and provide variety to the streetscene and enhance the visual appearance of the area.
32. The proposed housetypes incorporate various design details including gable features, soffits, decorative porches, stepped elevations, windows set in the eaves and bay windows. The high quality design details are used in all the housetypes including the bungalows. The design details and finishing materials result in a high quality appearance of the dwellings and enhance the quality of the streetscene. Statement dwellings and corner turners have been located at prominent positions throughout the site to further enhance the streetscene and the quality of the development providing focal points and to increase natural surveillance. Where possible dwellings are fronted onto open spaces providing attractive views over landscaped settings.
33. The existing mast located on the site is a constraint. In this locations dwellings have been orientated so that the mast does not dominate views from the properties. Higher boundary walls separate the mast from the nearest dwelling which ensures the amenity of new residents is not compromised and adds an attractive element to the streetscene.
34. The NPPF requires local authorities to deliver a wide choice of high quality homes to significantly boost the supply of housing. The proposed dwellings offer a mix of high quality styles and sizes with varying garden sizes. The dwellings are considered to be in accordance with these requirements of the NPPF.
35. The removal of permitted development rights will enable the Local Planning Authority to further control alterations and extensions to the dwellings and boundary treatments following their completion. This ensures that the high quality designs of the dwellings, and their relationship with their neighbours and landscaped areas are retained after completion of the development.
36. The proposed dwellings are considered to be high quality design in accordance with the requirements of Policies DC1, CS4 and CS5.

Streetscene

37. When considering an application of this scale it is necessary to consider the impact of the development on the character of the area which should be maintained and enhanced. It is recognised that this area of the town provides a high quality residential environment with a mix of dwelling types and countryside. Whilst overall the character of the area will change with housing erected on this site, the existing and proposed trees, hedges and landscape works, together with the internal layout, road hierarchy, design and orientation of the dwellings, will contribute towards a high quality streetscene which mitigates the visual impact of the development on its surroundings helping to assimilate the scheme into the wider residential area.
38. The site includes an area of woodland which is to be retained. An area of open space including a detention basin is located at the entrance to the site as part of the sustainable drainage scheme, a second detention basin is located further into the development creating a landscaped feature providing a green outlook for the dwellings that surround it. The landscaped areas are connected with swales bordering the main road through the development which is also lined with trees. The woodland and landscaped areas are of a significant benefit to the community providing leisure opportunities through walkways connecting the open areas and landscaped spaces, and enhancing the visual appearance of the area. Where possible the footpath has been detached from the vehicle highway being routed through green spaces. In addition art features will be installed to enhance the leisure experience available to residents and to increase the visual appearance of the area.
39. The layout responds to existing natural features with the road wrapping around the existing mature tree belt located near the entrance to the site and the dwellings have been orientated to provide a maximum benefit from views over the open spaces and landscaped areas, with existing and new rights of way, cycle paths and bridleways penetrating the site connecting the properties to the landscaped and wooded areas and the wider right of way network. Statement dwellings have been located at prominent positions throughout the site to further enhance the streetscene and quality of the development.
40. The layout incorporates secured by design principles with properties facing onto open areas and walkways providing high levels of natural surveillance. Future residents will also benefit from the open aspects.
41. The site has varying levels across the site. This results in a series of level changes in the proposed development. A number of retaining walls are proposed generally located between properties. A more prominent retaining wall is required between the proposed dwellings and the woodland that runs along southwest of the site. The retaining wall in this location will be a green terramesh design. This style of retaining wall is softer in appearance and forms part of the landscaped setting. None of the retaining walls are in a location where they will be overly visible from existing areas outside the application site.
42. It is considered that the development will not have a significantly adverse impact on the character and appearance of the area and will result in an attractive green streetscene to the benefit of existing and future residents. The development is in accordance with the requirements of Policies CS4 and CS5.

### Landscaping/Ecology

43. The site comprises buildings, woodland and grassland with hedgerows around the boundaries of the site and within it. Where possible the development retains existing trees including the woodland located to the southeast boundary and the mature tree belt located near the entrance to the site from Brass Castle Lane. The development proposes a landscaping scheme including the planting of new hedges and trees and the inclusion of wildflower planting at the detention basin and woodland edge.
44. Ecological Impact Assessments have been submitted as part of the application documents. The assessments targeted specific species and habitats relevant to the application site and development proposals. The investigations found no evidence of badger, reptiles, water vole and otters and no issues in relation to the habitats on the site.
45. The majority of the application site is grassland with limited potential for wildlife. The existing woodlands and hedge rows are to be retained and enhanced with additional landscaping in the residential gardens and open spaces. The addition of street trees, the detention basins and swales as part of the sustainable drainage scheme, and grassland areas, will enhance the visual appearance of the streetscene and will increase the ecological habitat on the site.
46. The proposed development will also provide specific mitigation for different species in the form of bird boxes, bat tubes and boxes, bee bricks, hedgehog houses and routes through boundary treatments, and hibernacula.
47. It is considered that although the development will result in the loss of open field the creation of landscaped and suds features proposed, effective woodland management and species specific mitigation, will offer enhanced ecological potential and have a positive impact in accordance with the requirements of Local Plan Policy CS4.

### Nutrient Neutrality

48. 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.



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49. 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.
50. 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.
51. 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.
52. 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.
53. The mitigation is considered to be acceptable for this development, subject to the provisional Nutrient Credit Certificates becoming final Nutrient Credit Certificates. 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.
54. 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

##### Archaeology

55. The development has been considered in relation to the potential archaeology at the site. All necessary assessments have been carried out by the developer and it is considered that development of the application site is unlikely to be archaeologically significant, and if planning permission were granted no archaeological conditions are required.

##### Broadband Infrastructure

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

##### Electric Charging Points and Renewable energy

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57. Each dwelling includes an electric vehicle charging point and dwellings and a condition will control the inclusion of solar photovoltaic panels to ensure that dwellings comply with building regulations part L.

#### Community Facilities

58. It is noted that comments have been received with regards to the lack of community facilities. Whilst a lack of doctors places in the local area is not a material planning consideration it is noted that part of the Nunthorpe Grange site located close to this application site includes a new doctors surgery that has been constructed.
59. As part of the s106 agreement financial contributions will be made towards improvements and upkeep of Bonny Grove Park, Wetlands at West Moor Farm (formerly Sudbury Pond) and Fairy Dell in accordance with the requirements of the Marton West Neighbourhood Plan.
60. Whilst policy H30 requires a contribution to educational needs, the Council's education team have confirmed that they do not require a contribution from this development therefore it is not reasonable to require one.
61. Similarly the Marton West Neighbourhood Plan also makes reference to traffic calming at Lingfield Primary School being required. This application site is outside the catchment area for Lingfield Primary School, as a result a contribution towards traffic calming in the vicinity of the school would not meet the necessary tests to secure the contribution, i.e. it is not necessary to mitigate this development and therefore not reasonable to require the contribution.

#### Social and Economic Benefits

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

#### Material Considerations

63. A planning application can only be considered in relation to material considerations. A number of the comments received are not material planning considerations in relation to this application and cannot be considered as part of the analysis of this application. These include but are not limited to: comments relating to issues with developers on other sites; the fact that other sites have sought to provide smaller dwellings than this development proposes; brownfield land should be used; and, disturbance from the development during construction and its impact on residents mental health.

#### Appeal Decision

64. The previous application at this site for 69 dwellings was refused and dismissed at appeal. In the appeal decision the Inspector raised a number of specific issues with the previous scheme. In this application the developer has sought to address the matters raised by the Inspector.

#### Bungalows

65. The Inspector confirmed there is no conflict between policy requirements for executive style homes and bungalows stating "I see no reason why larger well-

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designed bungalows set in more generous grounds could not provide executive style homes”.

66. In relation to the smaller detached and semi-detached bungalows that were previously proposed the Inspector stated “these dwellings are unlikely to offer high value properties...in this regard, the proposal would fall short of the Council’s policy expectations for the delivery of executive homes.”
67. The revised scheme which is the subject of this report provides for significantly larger detached bungalows set in generous plots. The quality of the bungalows retain the high quality design features of the larger two-storey dwellings. The proposed bungalows meet the policy requirement for executive homes within this site. The current scheme resolves the issues raised by the Inspector in relation to the bungalows.

#### Layout

68. The Inspector raised issues relating to the layout of the dwellings due to the number of dwellings that were proposed. As a result of the large number of properties the dwellings sat in small plots with limited space between properties, in long regimented runs and with frontages dominated by parking.
69. The proposed layout which is the subject of this report significantly reduces the number of proposed dwellings from 69 to 45. The dwellings sit in larger plots with a more organic layout and staggered building lines. Only 12 of the dwellings (26%) have parking located at the front of the properties. These dwellings are scattered throughout the development and the layout still allows for landscaped areas at the front of the properties. The current scheme resolves the issues raised by the Inspector in relation to the layout, plot sizes and parking.

#### Sustainable Drainage Scheme

70. The Inspector felt that the previously proposed detention basin would “have the appearance of an overly large and obviously engineered drainage solution rather than a more organic and cohesive part of the development...the use of a single large pond positioned apart from the housing detracts from the overall quality of the scheme.”
71. The revised scheme the subject of this report significantly reduces the size of the detention basin in the landscaped area at the entrance to the site. The basin is reshaped and has a more organic feel rather than a large, engineered basin. A second smaller detention basin is located further in the site providing a central landscaped focal point. The swales further enhance the drainage features and landscaped setting. The revised sustainable drainage scheme is considered to be an organic, cohesive part of the development enhancing the high quality of the scheme, resolving the issues raised by the Inspector in the previous appeal decision.

#### Trees

72. The previous application sought to place the access road through the existing tree belt located near the entrance of the site which required the removal of a number of trees. The Inspector stated this would “harmfully dissect the existing tree belt and diminish its contribution to the character of the surrounding area.”
73. In relation to the NPPF requirement for new streets to be tree lined the Inspector stated that the trees proposed by the development “are predominantly within the

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private gardens of the proposed dwellings and while some would be positioned within the front gardens close to the street, I am not convinced that this would amount to a truly tree lined street.”

74. The current scheme the subject of this report relocates the access road so that it no longer dissects the existing tree belt which remains a prominent landscape feature within the site. The scheme also includes trees lining the street on land that is outside individual residential curtilage. As a result the revised scheme resolves the issues raised by the Inspector in relation to trees.
75. For the reasons detailed above it is the planning view that the current scheme resolves all the issues raised by the Planning Inspector in the previous appeal decision.

### Conclusion

76. The scheme as presented provides a high design quality executive development in terms of the layout, built form and landscaping, that will deliver a significant number of bungalows.
77. The development provides homes in an attractive landscaped setting which will result in an attractive streetscene with good levels of natural surveillance and high levels of amenity. The development is in keeping with the character of surrounding areas but will have its own distinct style and setting. The landscaping and ecological enhancements on the site will result in an attractive landscaped setting.
78. The development is considered to be in accordance with policies DC1, CS4, CS5 and H30 of the Local Plan, the Marton West Neighbourhood Plan and paragraph 135 of the NPPF.
79. The application is recommended for approval subject to conditions and a s106 agreement

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## **RECOMMENDATIONS AND CONDITIONS**

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### Approval with Conditions and S106 Agreement

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

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

2. Approved Plans  
The development hereby approved shall be carried out in complete accordance with the plans and specifications detailed below and shall relate to no other plans:
- a) Proposed Site Layout, drawing no. PA-BCM-02 rev. G;
  - b) House Type Drawings, drawing no. PA-BCM-HT-01 rev. D, dated 22nd November 2023;

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- c) Proposed Materials Plan, drawing no. PA-BCM-03 rev. E;
- d) Boundary Treatments Pack, drawing no. PA-BCM-BT-01;
- e) Proposed Boundary Treatment Plan, drawing no. PA-BCM-04 rev. D;
- f) Electric Vehicle Charging Plan, drawing no. PA-BCM-05;
- g) Street Scene, drawing no. PA-BCM-08;
- h) Landscape Masterplan, Replanned Layout, drawing no. R/2340/2C;
- i) Retaining Wall Details, drawing no. 22-023 910 rev. P2;
- j) Refuse Swept Path Analysis (Sheet 1), drawing no. 040-SPA-001A;
- k) Refuse Swept Path Analysis (Sheet 2), drawing no. 040-SPA-002A;
- l) Construction Method Statement, reference no. BC-CMP-001-V2, dated 10th December 2023;
- m) Section 278 Works, Road Markings and Signage, drawing no. AMA/20617/D/004 rev. A;
- n) Section 278 Works, General Arrangement, drawing no. AMA/20617/D/001 rev. A;
- o) External Works – Levels & Walls – Sheet 1, drawing no. 22-023-270 rev. P11;
- p) External Works – Levels & Walls – Sheet 2, drawing no. 22-023-271 rev. P11;
- q) External Works – Levels & Walls – Sheet 3, drawing no. 22-023-272 rev. P11;
- r) S38 Agreement Plan, drawing no. 22-023-100 rev. P7;
- s) Highway Details, drawing no. 22-023-260 rev. P3;
- t) Surface Finishes and Kerbs, drawing no. 22-023-210 rev. P7;
- u) Highway Setting Out, Sheet 1, drawing no. 22-023-250 rev. P6;
- v) Highway Setting Out, Sheet 2, drawing no. 22-023-251 rev. P6;
- w) Highway Setting Out, Sheet 3, drawing no. 22-023-252 rev. P6;
- x) Highway Setting Out, Sheet 4, drawing no. 22-023-253 rev. P3;
- y) Drainage Sections Sheet 3, drawing no. 22-023-242 rev P3;
- z) Drainage Details, Sheet 1, drawing no. 22-0230230 rev. P3;
- aa) Drainage Details, Sheet 2, drawing no. 22-0230231 rev. P4;
- bb) Drainage Layout, Sheet 1, drawing no. 22-023-200 rev. P11;
- cc) Drainage Layout, Sheet 2, drawing no. 22-023-201 rev. P11;
- dd) Drainage Layout, Sheet 3, drawing no. 22-023-202 rev. P11;
- ee) SUDS Details, Sheet 1, drawing no. 22-023-236 rev. P5;
- ff) SUDS Details, Sheet 2, drawing no. 22-023-237 rev. P4;
- gg) Private Drainage, Sheet 1, drawing no. 22-023-220 rev. P5;
- hh) Private Drainage, Sheet 2, drawing no. 22-023-221 rev. P5;
- ii) Private Drainage, Sheet 3, drawing no. 22-023-222 rev. P6;
- jj) SW Hardstanding Contributing Areas, Sheet 1, drawing no. 22-023-214 rev. P7;
- kk) SW Hardstanding Contributing Areas, Sheet 2, drawing no. 22-023-215 rev. P7;
- ll) SW Hardstanding Contributing Areas, Sheet 3, drawing no. 22-023-216 rev. P7;
- mm) Hydrobrake Manholes, S8 and S51 Details, drawing no. 22-023-235 rev. P2;
- nn) Adoptable Manhole Schedule, drawing no. 22-023-212 rev. P5;
- oo) S104 Agreement Plan, drawing no. 22-023-211 rev. P8;
- pp) Road and Drainage Sections Sheet 1, drawing no. 22-023-240 rev. P5;
- qq) Road and Drainage Sections Sheet 2, drawing no. 22-023-241 rev. P5;
- rr) Flood Routing Plan, drawing no. 22-023-239 rev. P7;
- ss) Beckwith & Hanlon Surface Water Calculations reference 22-023 Brass Castle-v6.pfd dated 1st August 2023;
- tt) Beckwith & Hanlon Foul Water Calculations reference 22-023 Brass Castle-v6.pfd dated 1st August 2023;

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- uu) ID Civils Design Letter, reference no. 5076/dl/051020, dated 5th October 2020;
- vv) Surface Water Management Plan, reference no. 302586 R01(00);
- ww) Attenuation Basin Risk Assessment, reference no. 22-023-004 rev. P3;
- xx) SuDS Construction Method Statement, reference no. 22-023-003 rev. P3;
- yy) SuDS Maintenance and Management Schedule, reference no. 22-023-002 rev. P2;
- zz) Flood Risk Assessment and Surface Water Management Strategy, reference no. 5076/FRA01(A);
- aaa) Topographical Survey, reference no. SBH085/T00;
- bbb) Archaeological Desk Based Assessment, reference no. SBH07-01;
- ccc) Archaeological Evaluation Report, reference no. R15275;
- ddd) Written Scheme of Investigation – Archaeological Evaluation, reference no. SBH07-02;
- eee) Geophysical Survey Report, reference no. MSNZ684;
- fff) Phase 2 Intrusive Site Investigation Report, reference no. G17313;
- ggg) Transport Statement, report no. 20617-002, dated July 2022;
- hhh) Ground Appraisal Report, reference no. 1143-ACE-GEO-GA-001 rev. 001;
- iii) Noise Impact Assessment, reference no. 8028.1 rev. A;
- jjj) Site Waste Management Report reference no. 65546
- kkk) Aboricultural Impact Assessment, reference no. 15680b/EW-Rev4;
- lll) Aboricultural Method Statement, reference no. 15680c/EW-Rev3;
- mmm) Shadow Habitat Regulations Assessment: Nutrient Neutrality, reference no. BIOC22-001 V5.0;
- nnn) Construction Ecological Management Plan and Ecological Enhancement Management Plan, Issue no. 3;
- ooo) Bat Survey, Issue no. 2, dated 2nd September 2022; and,
- ppp) Extended Phase 1 Habitat Survey and Preliminary Ecological Appraisal, dated March 2022.

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

### 3. Materials - Approved Details

The development hereby approved shall be carried out in complete accordance with the external finishing materials detailed in the approved Proposed Materials Plan, drawing no. PA-BCM-03 rev. E, or in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

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

### 4. Retaining Walls

Notwithstanding the approved details, full details of the Green Terramesh (or similar) retaining wall which runs along the northwest boundary with the woodlands located opposite plots 4 to 14, must be submitted to and approved in writing by the Local Planning Authority before the construction of the wall commences. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure a satisfactory form of development and in the interests of the visual amenities of the area having regard for policies DC1, CS4 and CS5 of the

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Local Plan and section 12 of the NPPF.

5. Waste Audit

The development hereby approved shall be carried out in complete accordance with the approved Site Waste Management Report reference no. 65546 (prepared by EcoEfficiency), or in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

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

6. PD Rights Removed Means of Enclosure

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no fences, gates, walls or other means of enclosure (other than those expressly authorised by this permission) shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which forms the principle elevation/fronts onto a road, footpath or open space without planning permission being obtained from the Local Planning Authority.

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

7. PD Rights Removed 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.

8. PD Rights Removed Extensions/Alterations

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no building hereby approved shall be extended or materially altered in external appearance in any way, including any additions or alterations to the roof, without planning permission being obtained from the Local Planning Authority.

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

9. 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.

10. 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.

11. No Sleeping Accommodation

The detached garages that include a 'home office' hereby approved shall at all times be used only for purposes incidental to and ancillary to the enjoyment of the dwellinghouse by the occupiers of the dwelling house, and shall not be used for sleeping accommodation without planning permission being obtained from the Local Planning Authority.

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

12. Landscape Scheme and Management Plan

The landscape scheme as detailed in the approved Landscape Masterplan, Replanned Layout, drawing no. R/2340/2C, or in accordance with details to be submitted to and approved in writing by the Local Planning Authority, shall be implemented and retained on site.

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 of a building, or within 12 months of commencement of development, 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.



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### 13. 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.

### 14. Retained Trees

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

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:1989 (with subsequent amendments)(British Standard recommendations for Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies during the period of construction another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the local planning authority. Similarly, if a retained tree dies or needs to be removed within five years of completion, and this is found to have been the result of damage sustained during development, this replanting condition will remain in force

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. Retained trees shall be protected fully in accordance with British Standard 5837:1991 (Guide for Trees in Relation to Construction). In particular, fencing must not be dismantled at any time without the prior consent of the local planning authority.

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

### 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 set out in the approved Arboricultural Impact Assessment, reference no. 15680b/EW-Rev4 and Arboricultural Method Statement, reference no. 15680c/EW-Rev3 or in accordance with details to be submitted and approved in writing by the local planning authority, for the duration of works on land within each phase unless otherwise

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agreed 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. Recreation

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

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

#### 17. Construction of Roads and Footways Prior to Occupation of Dwellings

No dwelling to which this planning permission relates shall be occupied unless or until the carriageway base course and kerb foundation to the new estate road and footpath to which it fronts, is adjacent to or gains access from, has been constructed. Road and footway wearing courses and street lighting shall be provided within 3 months of the date of commencement on the construction of the penultimate dwelling of the development.

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

#### 18. Details of Roads, Footpaths and Open Spaces

Notwithstanding the details in plans S38 Agreement Plan, drawing no. 22-023-100 rev. P7 and Highway Details, drawing no. 22-023-260 rev. P3. The development shall be carried out in accordance with the approved details Surface Finishes and Kerbs, drawing no. 22-023-210 rev. P7, or in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and will be subject to agreement with the Local Highway Authority through necessary Highways Act Agreement(s).

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

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sections 9 and 12 of the NPPF.

19. Car and Cycle Parking Laid Out

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

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

20. Traffic Regulation Order

The details of necessary Traffic Regulation Orders to extend the 30mph limit on Brass Castle Lane, as detailed in Section 278 Works, Road Markings and Signage, drawing no. AMA/20617/D/004 rev. A and Section 278 Works, General Arrangement, drawing no. AMA/20617/D/001 rev. A, is agreed. The development hereby approved must not be occupied until the process to implement the agreed Traffic Regulation Orders has been initiated.

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

21. Method of Works Statement

The development hereby approved must be carried out in accordance with the approved Construction Method Statement, reference no. BC-CMP-001-V2, dated 10th December 2023, or in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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.

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

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

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

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

Reason: To ensure appropriate facilities are provided throughout the development in order to promote an active lifestyle and reduce dependence on the private car having

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regard for policy CS4 of the Local Plan and section 9 of the NPPF.

### 23. Surface Water Drainage Approved Details

The development shall not be occupied until the surface water drainage works have been implemented in accordance with the approved details listed below, or in accordance with details to be submitted to and approved in writing by the Local Planning Authority, which follow the principles as outlined in the Flood Risk Assessment and Surface Water Management Strategy, reference no.

5076/FRA01(A) and restricts surface water discharge from the development to a greenfield runoff rate of 5 l/s or as specified by the LLFA.

- a) External Works – Levels & Walls – Sheet 1, drawing no. 22-023-270 rev. P11;
  - b) External Works – Levels & Walls – Sheet 2, drawing no. 22-023-271 rev. P11;
  - c) External Works – Levels & Walls – Sheet 3, drawing no. 22-023-272 rev. P11;
  - d) S38 Agreement Plan, drawing no. 22-023-100 rev. P7;
  - e) Highway Details, drawing no. 22-023-260 rev. P3;
  - f) Surface Finishes and Kerbs, drawing no. 22-023-210 rev. P7;
  - g) Highway Setting Out, Sheet 1, drawing no. 22-023-250 rev. P6;
  - h) Highway Setting Out, Sheet 2, drawing no. 22-023-251 rev. P6;
  - i) Highway Setting Out, Sheet 3, drawing no. 22-023-252 rev. P6;
  - j) Highway Setting Out, Sheet 4, drawing no. 22-023-253 rev. P3;
  - k) Drainage Sections Sheet 3, drawing no. 22-023-242 rev P3;
  - l) Drainage Details, Sheet 1, drawing no. 22-0230230 rev. P3;
  - m) Drainage Details, Sheet 2, drawing no. 22-0230231 rev. P4;
  - n) Drainage Layout, Sheet 1, drawing no. 22-023-200 rev. P11;
  - o) Drainage Layout, Sheet 2, drawing no. 22-023-201 rev. P11;
  - p) Drainage Layout, Sheet 3, drawing no. 22-023-202 rev. P11;
  - q) SUDS Details, Sheet 1, drawing no. 22-023-236 rev. P5;
  - r) SUDS Details, Sheet 2, drawing no. 22-023-237 rev. P4;
  - s) Private Drainage, Sheet 1, drawing no. 22-023-220 rev. P5;
  - t) Private Drainage, Sheet 2, drawing no. 22-023-221 rev. P5;
  - u) Private Drainage, Sheet 3, drawing no. 22-023-222 rev. P6;
  - v) SW Hardstanding Contributing Areas, Sheet 1, drawing no. 22-023-214 rev. P7;
  - w) SW Hardstanding Contributing Areas, Sheet 2, drawing no. 22-023-215 rev. P7;
  - x) SW Hardstanding Contributing Areas, Sheet 3, drawing no. 22-023-216 rev. P7;
  - y) Hydrobrake Manholes, S8 and S51 Details, drawingno. 22-023-235 rev. P2;
  - z) Adoptable Manhole Schedule, drawing no. 22-023-212 rev. P5;
  - aa) S104 Agreement Plan, drawing no. 22-023-211 rev. P8;
  - bb) Road and Drainage Sections Sheet 1, drawing no. 22-023-240 rev. P5;
  - cc) Road and Drainage Sections Sheet 2, drawing no. 22-023-241 rev. P5;
  - dd) Flood Routing Plan, drawing no. 22-023-239 rev. P7;
  - ee) Beckwith & Hanlon Surface Water Calculations reference 22-023 Brass Castle-v6.pfd dated 1st August 2023;
  - ff) Beckwith & Hanlon Foul Water Calculations reference 22-023 Brass Castle-v6.pfd dated 1st August 2023;
  - gg) ID Civils Design Letter, reference no. 5076/dl/051020, dated 5th October 2020;
  - hh) Surface Water Management Plan, reference no. 302586 R01(00);
  - ii) Attenuation Basin Risk Assessment, reference no. 22-023-004 rev. P3;
  - jj) SuDS Construction Method Statement, reference no. 22-023-003 rev. P3;
- and,

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kk) SuDS Maintenance and Management Schedule, reference no. 22-023-002 rev. P2.

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.

24. Drainage Scheme Foul Flows

Development shall be implemented in line with the drainage scheme contained within the submitted document entitled S104 Agreement Plan, drawing no. 22-023-211 rev. P8, or in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 7106 and ensure that surface water discharges to the existing watercourse.

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

25. Contaminated Land Site Investigation

The development must be carried out in accordance with the approved risk assessment and remediation scheme detailed in the Phase 2 Intrusive Site Investigation Report, reference no. G17313 and Ground Appraisal Report, reference no. 1143-ACE-GEO-GA-001 rev. 001.

The above approved documents identify potential asbestos in the location of the existing buildings. When the buildings are demolished 5 trial pits within the footprint of the buildings are required to assess the levels of asbestos on the site.

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

26. Ecology

The mitigation measures as set out in the approved Construction Ecological Management Plan and Ecological Enhancement Management Plan, Issue no. 3, or in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Must be carried out on site in accordance with a programme of works to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of a dwelling hereby approved.

Thereafter the mitigation works shall be retained on site in perpetuity.

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

27. Water Consumption

Water usage will be limited to 105 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.

28. 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.

29. Renewable Energy

Prior to the occupation of each dwelling, if solar photovoltaic panels are required for the dwelling to meet Building Regulation Part L, full details and specifications of the proposed panels, including the location of the panels on the dwelling, must be submitted to and approved in writing by the Local Planning Authority. Thereafter the panels will be erected and retained on site in accordance with the approved details.

Reason: In the interests of sustainable development having regard for policy CS4 of the Local Plan and section 14 of the NPPF.

### Reason for Approval

**The analysis of the development determines that the proposals are for a sustainable development, which will assist in economic growth in the town. The proposed layout and dwellings are of a high quality design and would provide a pleasant and sustainable environment offering a good mix of dwelling types. Landscaped areas will enhance ecological potential and will benefit the wider community. There are no statutory objections to the proposal in terms of the sustainability of the site or the ability to meet necessary flood, ecology, highways and noise mitigation.**

**The application site is an allocated site within the approved Housing Local Plan. It meets the requirements of policy H30 other relevant local policies (DC1, CS4, CS5), the Marton West Neighbourhood Plan and national policies.**

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

**development will support the spatial vision set out in the development plan.**

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## INFORMATIVES

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

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

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

- Rights of Access/Encroachment  
This planning approval does not permit any person to access another person's land/property to enable the works to be completed, without their consent. Any encroachment into another person's land/property above or below ground is a civil matter to be resolved between the relevant parties.
- Building Regulations  
Compliance with Building Regulations will be required. Before commencing works it is recommended that discussions take place with the Building Control section of this Council. You can contact Building Control on 01642 729375 or by email at [buildingcontrol@middlesbrough.gov.uk](mailto:buildingcontrol@middlesbrough.gov.uk).

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

- S106  
This permission is subject to an agreement under section 106 of the Town and Country Planning Act 1990 as amended.

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- **Statutory Undertakers**  
The applicant is reminded that they are responsible for contacting the Statutory Undertakers in respect of both the new service to their development and the requirements of the undertakers in respect of their existing apparatus and any protection/ diversion work that may be required. The applicant is advised to contact all the utilities prior to works commencing.
- **Name and Numbering**  
Should the development require Street Names, Numbers and/or Post Codes the developer must contact the Councils Naming and Numbering representative on 01642 728155.
- **Discharge into Watercourse/Culvert**  
The applicant is advised that any discharge of surface water into a watercourse or culverted watercourse requires consent from the Local Authority.
- **Sustainable Drainage Systems**  
Sustainable Drainage Systems (SuDS) should be considered when designing drainage, driveways and car parking areas.
- **Permeable Surfacing**  
Guidance on permeable surfacing of front gardens is available on the Communities and Local Government Website: [www.communities.gov.uk](http://www.communities.gov.uk)
- **Dilapidation Survey**  
Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused. Under the terms of the 1980 Highways Act Middlesbrough Council will seek to recover any expenses incurred in repairing or making good such damage. The applicants are therefore strongly advised to carry out a joint dilapidation survey with the authority prior to and upon completion of, works on site. (01642 728156)
- **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.
- **Adoption of Highway - S38**  
The applicant is advised that prior to the commencement of works on site they should



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contact the Highway Authority (01642 728156), with a view to preparing the necessary drawings and legal work required for the formal adoption of the new highway layout. The S38 Agreement should be in place prior to the commencement of works on site.

- **Works to Highway - S278**  
The proposal will require alterations to the existing highway and as such will require an Agreement under Section 278 of the 1980 Highways Act. The applicant is urged to consult early with the Highway Authority (tel: 01642 728156) to discuss these proposals. This agreement must be completed and in place before work commences.
- **Wildlife and Countryside Act**  
The applicant is reminded that under the Wildlife and Countryside Act 1981 it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August. Trees and scrub are present on the application site should be assumed to contain nesting birds between the above dates unless a survey has shown conclusively that nesting birds are not present.
- **Protected Species**  
The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning consent for a development does not provide a defence against prosecution under wildlife protection legislation. You are advised that it may be necessary before development commences, for the applicant to commission an ecological survey from a suitably qualified and experienced professional to determine the presence or otherwise of such protected species. If protected species are found to be present, Natural England should be consulted.
- **Construction Noise**  
The applicant should be aware that noise from construction work and deliveries to the site may have an impact upon local residential premises. The applicant may if they wish to apply for a prior consent under the Control of Pollution Act 1974 Section 61 with regard to working hours at the site. The applicant can contact the authorities Environmental Protection service for more details regarding the prior consent process. The hours that are recommended in the Control of Pollution Act for noisy working are 8am-6pm Mon-Fri, 8am-1pm Saturday and no working Sundays and Bank holidays.

Case Officer: Shelly Pearman

Committee Date:

Appendix 1 – Site Location Plan



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## APPLICATION DETAILS

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<b>Application No:</b>	23/0291/FUL
<b>Location:</b>	J H Proudlock Limited, Emmerson Street, Middlesbrough
<b>Proposal:</b>	Erection of 6No Industrial units for Use Class B2 & B8 (demolition of existing buildings)
<b>Applicant:</b>	Sadiq and Finnegan
<b>Agent:</b>	Lee Wardman
<b>Ward:</b>	Park
<b>Recommendation:</b>	Approve with Conditions

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## SUMMARY

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Permission is sought for the demolition of some existing buildings on the site and the erection of 6 no. industrial units (use class B2 and B8).

Following a consultation exercise objections were received from residents from 3 properties.

The site is white land with no specific allocation in the Local Plan. It is located in an industrial area and therefore the principle of the proposed use on this site is acceptable. It is considered that the proposed development would provide a good reuse of the vacant site without a significant detrimental impact on surrounding properties. The scale and design of the proposed units are in keeping with the surrounding area.

Whilst the Local Highway Authority do not support the application they have confirmed that it will not result in significant traffic generation. On balance, taking into consideration the existing highway situation in the area and recent appeal decisions the Local Planning Authority consider the development to be in accordance with the highways requirements of policies CS18, CS19 and DC1 of the Local Plan.

The development meets the requirements of the relevant national planning policies detailed within the NPPF and Local Plan policies, specifically CS4, CS5, CS18, CS19 and DC1. The recommendation is for approval with conditions.

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## SITE AND SURROUNDINGS AND PROPOSED WORKS

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The application site is approximately 0.06 hectares. It is located on the east side of Emmerson Street, south of the junction with Stonehouse Street. The site is located in an industrial area with a builders yard as the established use, which includes single storey buildings to the northside, a storage/distribution unit attached to the southside and a cash and carry/retail units to the front. There are residential dwellings located to the rear of the site with the rear

boundary wall of the application site forming the rear boundary wall of the residential properties. There is also an apartment located above the cash and carry/retail unit to the front.

The existing site comprises a builders yard with a single storey building in the southeast corner of the site. To the north of the site is a dilapidated single storey building.

Planning permission is sought to demolish existing buildings on the site and erect 6 no. units of varying floor areas, to be used for General Industrial (B2 use class) and Storage and Distribution (B8 use class). Work has already commenced on site but has not been completed. As a result this application seeks retrospective consent.

Site Visit 21<sup>st</sup> September 2023

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## PLANNING HISTORY

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No relevant planning history

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## PLANNING POLICY

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

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

### Middlesbrough Local Plan

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

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

### National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development

although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

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

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

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, H1 - Spatial Strategy, CS7 - Economic Strategy, HGHDC - Highway Design Guide, CS18 - Demand Management, CS19 - Road Safety

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

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## CONSULTATION AND PUBLICITY RESPONSES

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Following a consultation exercise three objections were received from residents. The comments are summarised below.

- 1) In support of some form of development but have concerns
- 2) Increased noise including roller shutters, engine noises, people shouting and having loud conversations;
- 3) Deliveries arriving early or late;
- 4) Drainage will overhand property;
- 5) Unsightly design and materials;
- 6) Height of the building is too large and is overbearing;
- 7) Impact on light into garden;
- 8) What are the opening hours and proposed uses; and;
- 9) Overlooking, privacy.

Received from:

1. 24 Canterbury Grove
2. 26 Canterbury Grove
3. 28 Canterbury Grove

#### Planning Policy – MBC

In accordance with Policy CS4 the proposed site location would see the reuse of previously developed land.

Consideration should be given to the nature of the use and the proximity of the adjacent housing at Canterbury Grove, particularly with respect to the potential for increased noise pollutions; in addition to this, given there are no car parking facilities proposed with the development, consideration should be given to the additional impact upon the road infrastructure in the immediate and surrounding vicinity. Should it be considered that the impacts be more than minimal the proposed use would be contrary to Policy DC1.

#### Highways – MBC

Development proposals are to erect 6 commercial units for B2/B8 use. The proposed development fronts Emmerson/Stonehouse Street and in terms of traffic generation is not considered to be significant due to the size of the units.

No parking is provided to the immediate site frontage, however parking for the development has been provided on adjacent land that is under the control/ownership of the applicant and is used as a builders yard. As such this adjacent car parking can be conditioned and secured to be used in perpetuity in association with the proposed development.

When assessing development proposals against the Tees Valley Highway Design Guide the level of parking ranges from 6 spaces being needed for a B8 use to 12 spaces being needed for a B2 use. 5 Car spaces are provided within this area and as such there is a shortfall of between 1 and 7 spaces.

No servicing nor turning area is provided within the site boundary with the development abutting the street frontage and as such vehicles delivering/collecting goods will need to do so from within the street. Such an arrangement is consistent with other adjacent units in the locality.

The development is located within an area of poor quality and unmanaged development. As such high levels of on-street car parking, storage of waste/materials and servicing etc already occurs within public areas and is outside of the authorities control. Furthermore the street fronting the proposed development is not public highway and as such outside of the jurisdiction/control of the Highway Authority. Development proposals will add to this existing situation.

The Highway Authority do not consider that they can support the proposals as presented.

#### Waste Policy – MBC

No Comment

#### Local Flood Authority – MBC

A flood risk assessment is not required for the site however drainage details are required to ensure it is suitably drained. A condition is required to provide the necessary information including the discharge point of any surface water from the roof, confirmation NWL have

agreed for a connection to their network and if they have required a restriction in flow, a plan showing the proposed drainage and the amount of runoff from the roof.

#### Environmental Health – MBC

No response

#### Secured by Design – Cleveland Police

I would like to make you aware that Cleveland Police operate the “Secured By Design” initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments. I recommend applicant actively seek Secured By Design accreditation, full information is available within the SBD Commercial Guide at [www.securedbydesign.com](http://www.securedbydesign.com).

I encourage contact from applicant/agent at earliest opportunity, if SBD Certification is not achievable you may incorporate some of the measures to reduce the opportunities for crime and anti-social behaviour. Once a development has been completed the main opportunity to design out crime has gone. The local Designing Out Crime Officer should be contacted at the earliest opportunity, prior to submission and preferably at the design stage.

- The National Planning Policy Framework 2021 paragraph 92(b); which states that Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...
- The National Planning Policy Framework 2021, paragraph 130(f) which states that “Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.
- Policy CS5 (Design) of the Local Development Framework, section e states, creation of a safe and attractive environment, at all times of the day and night, where crime and disorder, or fear of crime, does not undermine quality of life or community cohesion by incorporating the aims and objectives of both Secured By Design and Designing Out Crime concepts into development layouts and is therefore a material consideration.
- Another material consideration is Section 17 of The Crime And Disorder Act 1998.

Further information on the Secured By design initiative can be found on [www.securedbydesign.com](http://www.securedbydesign.com)

Although not an SBD requirement, Middlesbrough along with many other areas nationwide suffers from offences of metal theft. These include copper piping, boilers, cables and lead flashing. Buildings under construction are particularly vulnerable. I recommend that alternative products be utilized where possible. Many new builds are now using plastic piping where building regulations allow and alternative lead products.

In addition to the above and on initial viewing of the proposals I would also make the following comments.

- Roller Shutters & windows are recommended to be to accredited LPS1175:A1 rating.
- On noting the rear elevation is proposed to be of brickwork I would recommend the other three elevations which are to be cladded have an inner skin to 1.8m in height of either brickwork or sections of expanded metal.
- Dusk/Dawn lighting to be installed by each door set elevation.
- Consideration to alarms being installed in each unit.

- CCTV covering units is also recommended.

#### Cleveland Fire Brigade

Cleveland fire Brigade offers no representations regarding the development as proposed.

However Access and Water Supplies should meet the requirements as set out in: Approved Document B Volume 2 :2019, Section B5 for buildings other than Dwellings It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 18 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2.

Cleveland Fire Brigade also utilise Emergency Fire Appliances measuring 3.5m from wing mirror to wing mirror. This is greater than the minimum width of gateways specified in AD B Vol 2 Section B5 Table 15.2.

#### Recommendations

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

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

#### 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.

#### Northumbrian Water

No response

#### Northern Powergrid

No response

#### Ward Councillors

No response

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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### Principle of Development

1. The application site is located in 'white land' as a result there are no specific policies in relation to the site. The key principles to be considered in relation to this application are the principle of the use in the proposed location, the visual appearance of the buildings, the access and highways issues in relation to the site and the impact on surrounding properties.



2. Given that the site is a brownfield site, in an existing business/industrial area, the proposed use is in keeping with the surrounding uses and is considered to be acceptable in this location. The reuse of the site meets the requirements of the NPPF which seeks to ensure high quality development of brownfield sites and Policy CS4 of the Local Plan

### Highways

3. The majority of Emmerson Street (including the section where this site is located), Stonehouse Street and Simpson Street, and a stretch of unnamed road located between Stonehouse Street and Simpson Street, are these are unadopted. As a result they are outside the control of the Local Highway Authority.
4. The Local Highway Authority have confirmed that the proposed development will not result in significant traffic generation due to the scale of the development.
5. The application site is located in an area where the industrial/commercial buildings do not generally have in curtilage parking. Vehicles visiting the area frequently park on the road and pavement in the surrounding streets. The applicant owns and controls the adjacent site to the north of the application site which is a builders yard and the submitted details proposes 6no. parking spaces within the adjacent land. This is in keeping with the requirements for B8 units. There is ample space within the yard to provide the parking spaces for persons using the proposed units. Whilst the spaces are detached from the application site they are located within 50m walking distance which is considered to be a reasonable walking distance. Given that the existing situation at the site and in the surrounding area is that on-street parking is dominant, any off-street provision is considered to be of a benefit to the area.
6. As stated in the highway comments, whilst no servicing or turning area is provided within the site boundary and as such vehicles delivering/collecting goods will need to do so from within the street. This is consistent with other adjacent units in the locality.
7. The proposed plans identify areas within the units that will be used to store refuse for collection. This can be controlled by condition to ensure that the waste is not kept externally causing obstructions on the highway.
8. Whilst the Highway Authority do not consider that they can support the proposed development the Local Planning Authority must take into account all material considerations. In this instance that includes the existing situation in the area in relation to parking and highways matters, it also includes appeal decisions. A recent appeal decision for the cash and carry unit opposite the site which was refused by the Local Planning Authority, in part on highways grounds. Concerns were raised by the LPA that the scheme removed a service vehicle parking space and had no customer parking yet intended to increase the scale of the retail area of the premises. The refused application was allowed at appeal. In reaching their decision and allowing the appeal the Inspector stated:

*“During the time that I was at the site and the surrounding area there were only a very small number of vehicle movements on Stonehouse Street and Emmerson Street and very few pedestrian movements. Due to the nature and width of the carriageway and its width being constrained in places by parked vehicles, the observed speed of vehicles was low. Whilst I recognise*

*that this is just a snapshot of the conditions at the time of my visit, mid-morning on a normal weekday, and that they may vary at different times, there is no substantive evidence before me that would suggest that this is not relatively typical of the road conditions at other times when the cash and carry may be trading."*

9. The Inspector confirmed that the site is in close proximity to public transport and there is a public car park located in close proximity on Binks Street.
10. The Inspector concluded that:

*"whilst the appeal proposal may result in a small increase in footfall and vehicle movements, I do not find that this would result in highway conditions that were inherently dangerous or make the existing situation noticeably worse...I therefore conclude that the proposed development would not cause harm to the safe operation of the highway in the vicinity of the appeal site."*
11. In relation to this current application, it is considered that the proposed application to erect 6 no. units at the application site will not result in significant traffic generation (as confirmed by the Highway Authority) and that the existing situation in relation to parking and servicing at the site and in the vicinity will remain unchanged. The development will result in the benefit of 6 parking spaces, which can be controlled by condition, on the adjacent site to serve the proposed units. Given the Inspectors previous decision in this regard, it is considered on balance, that the development will not harm the safe operation of the highway and is therefore in accordance with the requirements of policy CS18, CS19 and DC1.

#### Amenity

12. The site is located in an industrial area however there are residential properties to the rear and an apartment on the first floor of a property to the front of the site. Objections have been received from residents to the rear in relation to noise from the proposed development, particularly in relation to the roller shutters and persons talking loudly at the site. The current situation is that the site has sui generis use as a builders yard, whilst it may not be used currently it is an existing permission that can be brought back into use without permission being required. There are no planning controls in place to restrict the hours of use of the site currently.
13. Historically the site was a builders yard with single storey flat roof buildings located to the northern section. The building to the north is still in situ which includes a large roller shutter and pedestrian access with roller shutter and are built up to the footpath. A high boundary wall ran along the rest of the boundary with the footpath leading to a gate at the southern end. The southern end is located immediately adjacent to an existing storage unit that also has a large roller shutter and pedestrian access also with a roller shutter.
14. The erection of the proposed units will provide some mitigation for noise from the site as the buildings will dampen any noise as opposed to the current situation which includes a large open yard. Roller shutters are common in the location due to the industrial nature of the area and are located on the front elevation. It is considered that a restriction of the hours of operation of the premises ensure that any noise from the use of the premises only occurs within typical daytime operating hours. This will ensure that there is no detrimental impact on residents in the area at times of the day when background noise levels are lower and they should generally be able to expect

more peace and quiet. If this application is approved the hours of use will be controlled by condition.

15. The proposed units are located up to the footpath in the location of the previous boundary wall. They sit forward of the existing unit to the south (which has a small service area located at the front) by approximately 2m.
16. A single storey building used to sit in the southeast corner of the site along the boundary with the residential properties to the rear, this has been demolished. This building had a mono-pitch roof which sloped up towards the attached larger unit to the south.
17. The high boundary wall that forms the eastern boundary of the site, and forms the rear boundary wall of the neighbouring residential dwellings is approximately 3.15m in height. The proposed buildings will increase the height of the wall by 1m to the eaves. The roof slopes away from the boundary and the ridge is approximately 5.3m in height. The building sits lower in height than the attached building to the south. The height to the eaves is approximately the same height as the previous single storey building on the site.
18. The boundary wall which forms the rear wall of the residential gardens is high. Some residents have outbuildings located at the bottom of the garden that reduce the visual impact of the wall, some also have foliage growing up the wall and trees which softens its appearance and reduces its visual impact. As a result, the increased height of the rear wall is not considered to be overly dominating when viewed from the residential dwellings and the rear gardens, when taking into account the existing circumstances.
19. The plans include a box guttering detail at the rear of the units which runs the guttering through the building internally to ensure that it does not overhang and encroach the neighbour's premises.
20. The rear wall of the proposed units, which forms the rear boundary wall of the residential gardens, is located to the west of the gardens. As a result, any impact on light from the increased height of the wall will affect the bottom of the garden in the late afternoons and evenings and will be more prominent in the winter months. This impact is not considered to be significant and will not result in any significant harm to primary windows and rooms in the dwellings.
21. No windows are proposed on the rear elevation of the unit, as a result there is no overlooking of neighbouring properties and therefore no impact on the privacy of the residents.
22. It is the planning view that the proposed development will not have a significant detrimental impact on the amenity of neighbouring properties in relation to dominance of appearance, light, privacy or noise in accordance with the requirements of policy DC1.

#### Design/Streetscene

23. The proposed building is constructed with a pitched roof and gable end with roller shutters on the front elevation with one large opening and a separate smaller pedestrian opening. The scale of the units is in keeping with the surrounding area.

24. Currently the rear elevation has been erected in blockwork. Work on site has ceased whilst the applicant seeks planning permission. If approved the rear blockwork which is visible above the existing rear wall will be rendered to provide a better quality finish. The remaining elevations will be cladded.
25. The buildings are of a typical design and appearance to others in this location and are typical for industrial units. It is the planning view that the proposed units will not detract from the visual appearance of the area and are in accordance with the requirements of policy CS5.

#### Other Matters

##### Flood Risk

26. The Local Flood Authority have confirmed that a flood risk assessment is not required for the proposed development. However, as limited drainage information has been received it is necessary to place a condition on the application to require further information to be submitted for consideration. Given the development has already commenced it is considered necessary ensure the condition is worded to require the information to be submitted prior to work recommencing on the site.

##### Material Considerations

27. Only material considerations can form part of the analysis of a planning application. A number of comments have been received which are not material considerations and therefore they cannot be considered during the analysis of this application. They include but are not limited to: The fact that the work commenced without notification or permission and any damage to neighbouring properties during the demolition of the previous building on the site.

#### Conclusion

28. The application has been considered in relation to the principle of development and the impact on nearby residents and the visual amenity of the area. It is considered that the proposed development would provide a good reuse of the vacant site without a significant detrimental impact on surrounding properties. The scale and design of the proposed units are in keeping with the surrounding area.
29. Whilst the Local Highway Authority do not support the application they have confirmed that it will not result in significant traffic generation. On balance, taking into consideration the existing highway situation in the area and recent appeal decisions the Local Planning Authority consider the development to be in accordance with the highways requirements of policies CS18, CS19 and DC1 of the Local Plan.
30. The development meets the requirements of the relevant national planning policies detailed within the NPPF and Local Plan policies, specifically CS4, CS5, CS18, CS19 and DC1. The recommendation is for approval with conditions.

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#### **RECOMMENDATIONS AND CONDITIONS**

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Approve with Conditions

**1. Approved Plans - Retrospective**

The development hereby approved is retrospective and has been considered based on the details on site and on the plans and specifications detailed below:

- a) Location Plan, drawing no. L023007-001;
- b) Proposed Site Plan, drawing no. L023007-007 rev. C;
- c) Proposed Floor Plan, and Roof Plan, drawing no. L023007-005 rev. A; and,
- d) Proposed Elevations, drawing no. L023007-006 rev. A.

This approval only relates to the details on the above plans and specifications, it does not relate to any other works.

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

**2. Materials - Approved Details**

The development hereby approved shall be carried out in complete accordance with the external finishing materials detailed in the approved Proposed Elevations, drawing no. L023007-006 rev. A, or in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

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

**3. Car Parking**

The development hereby approved shall not be brought into use until the areas for vehicle parking have been laid out in accordance with the approved drawing Proposed Site Plan, drawing no. L023007-007 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 associated with the approved development.

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.

**4. Hours of Opening/Use**

The premises shall not be open for customers/use shall not operate outside the hours 8am to 6pm Monday to Saturday and 10am to 4pm Sunday and Bank Holidays.

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

**5. Deliveries and Collections**

Deliveries and collections to the rear of the premises including waste collection must be restricted to between the hours of 8am to 6pm Monday to Saturday and 10am to 4pm Sunday and Bank Holidays.

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

**6. Drainage Scheme**

Development shall not re-commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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.

**7. Bin Store**

The development hereby approved shall not be occupied/brought into use until the refuse/recycling store has been provided in accordance with submitted drawing(s) Proposed Floor Plan, and Roof Plan, drawing no. L023007-005 rev. A, or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority. Such drawings to show the position, design, materials and finishes thereof. Thereafter the refuse/recycling store shall be retained in perpetuity for the sole purpose of refuse/recycling storage.

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

**Reason for Approval**

This application is satisfactory in that the design of the proposed 6no industrial / business units for B2 and B8 uses accord with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraph 38 of the NPPF. In addition the 6no industrial / business units for B2 and B8 uses accord with the local policy requirements (Policies CS4, CS5, CS17, CS18 & DC1 of the Council's Local Development Framework).

In particular the 6no industrial / business units for B2 and B8 use are designed so that their appearance would not be detrimental to any nearby sites, is complementary to the immediate industrial environment, and so it will not have an adverse effect on the residential amenity of occupiers in the wider area. The 6no industrial / business units for B2 and B8 use will not prejudice the appearance of the area and does not significantly affect any landscaping nor prevent adequate and safe access to the site.

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

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**INFORMATIVES**

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- 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.

- Commercial Premises

Before any fixed plant and machinery, including refrigeration and air conditioning equipment, is used on the premises it shall be enclosed with sound insulating material and mounted in a way which will minimise transmission of airborne and structure-borne.

Before any ventilation and fume extraction system is used on the premises it shall be enclosed with sound insulating material and mounted in a way which will minimise transmission of structure borne sound in accordance with a scheme to be approved in writing by the Local Planning Authority. Further advice is available from the Community Protection Service.

- 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.

- Statutory Undertakers

The applicant is reminded that they are responsible for contacting the Statutory

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

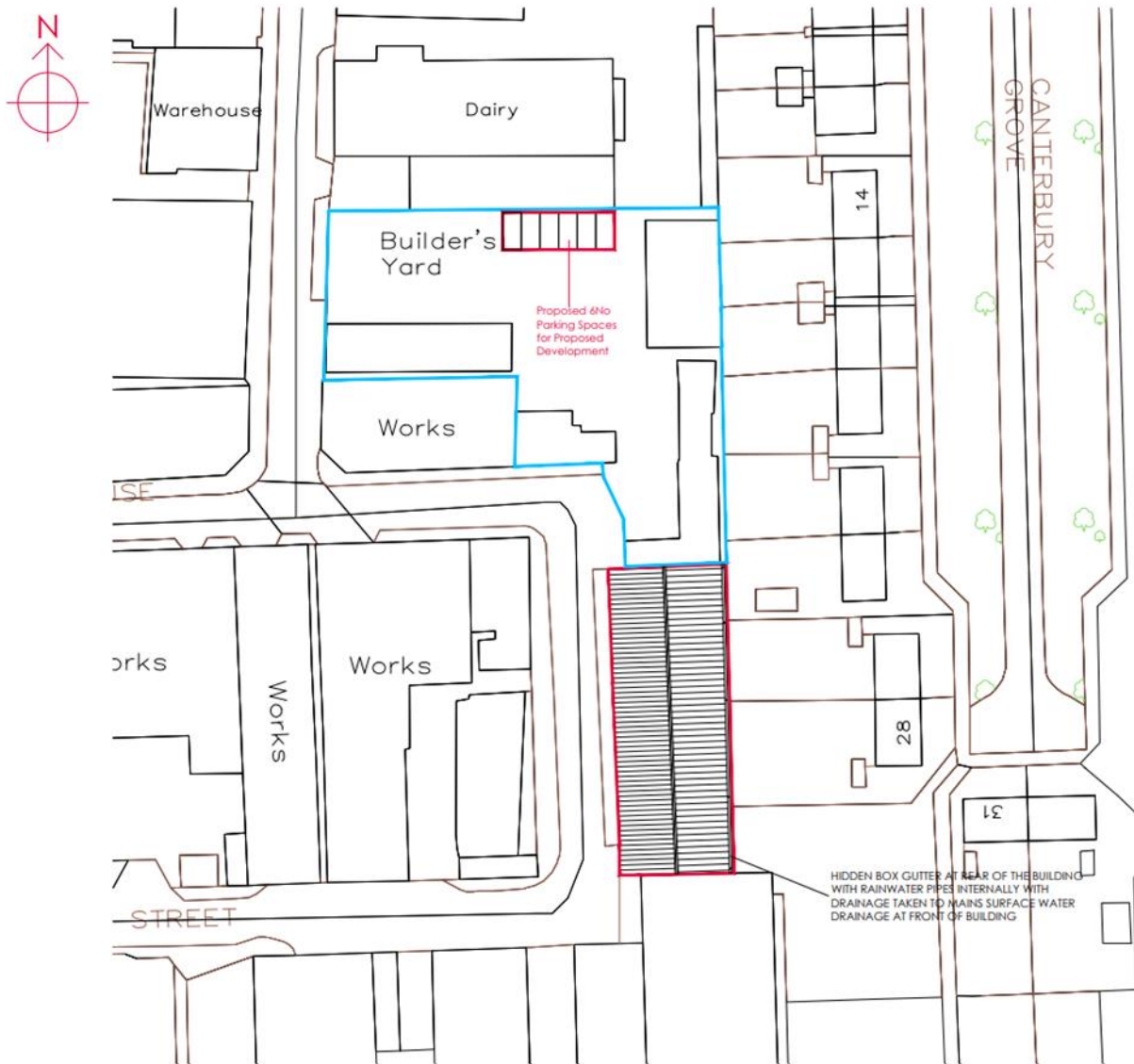
- **Name and Numbering**  
Should the development require Street Names, Numbers and/or Post Codes the developer must contact the Councils Naming and Numbering representative on 01642 728155.
- **Deliveries to Site**  
It should be ensured that, during construction, deliveries to the site do not obstruct 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.
- **Demolition**  
Demolition requires notification under Section 80 Of the Building Act1984 prior to any work commencing on site.

Case Officer: Shelly Pearman

Committee Date: 08-Feb-2024



Appendix 1 – Site Location Plan



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**APPLICATION DETAILS**

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<b>Application No:</b>	23/0556/VAR
<b>Location:</b>	136, Low Lane, Middlesbrough, TS5 8EE
<b>Proposal:</b>	Variation of condition 3 & 4 (use Restrictions) on planning application 22/0714/COU to allow property to be used as care facility to children and young adults
<b>Applicant:</b>	Courtyard Care Ltd
<b>Agent:</b>	RPS Consulting Services
<b>Ward:</b>	Kader
<b>Recommendation:</b>	Approve with conditions

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**SUMMARY**

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Planning permission was granted under application 22/0714/COU for the change of use of the property from a residential dwelling to a children's home. In order to restrict the use to the principles on which were being considered at that time, conditions were applied which restricted the property to provide accommodation for children only (excluding staff) and also limited the number of children resident at any one time.

This variation application seeks to amend the wording of the conditions to enable the proposed use to a care home which would enable the provision of care for the intended use of young adults between the ages of 16 and 25 years. The application seeks no changes to the previously approved operational development of the building. The daytime and night staff numbers will not be increased from the previously approved scheme and as set out within the supporting planning statement may be reduced (subject to individual needs) to 7 staff during the day and from 3 to 2 staff during the night. It is indicated that residents will be encouraged to complete their own housekeeping resulting in their being a reduced demand for a dedicated housekeeper post.

The parking provision within the site will remain unaffected with provision for 8 spaces to the front of the property. The applicant has confirmed that a bin store recently constructed on the hard standing area to the front of the property will be removed from that location and replace elsewhere allowing the previously approved site layout to remain unaltered.

Following the consultation process there have been 9 neighbour objection comments (including 2 from the Ward Councillors). The objections relate to the proposed change to the principle use as a children's home, impact on amenity of neighbours, parking for visitors/staff and construction vehicles having impacts on traffic and highway safety, whether there is a need for the use, anti-social behaviour/crime, alternative locations, devaluation of properties although a number of the objections raised are not material planning considerations.

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The proposed variation to amend the proposed use of the building to include young adults will result in no significant operational changes to the use of the building given there will be no significant increase in the previously approved staffing levels or alterations to the approved internal and external layout, including parking provision. It is considered the proposed variation will therefore have no significant impact on the amenity of the neighbouring properties or on highway safety, acting as residential accommodation in a residential area. It is considered that the scale of the premises and its intensity of use requires control to prevent it from being out of character with the surrounding area.

The proposed variation to the use is considered to be in accordance with the requirements of the Local Plan Policies H1, H11, CS4, CS5, CS18, CS19 and DC1.

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

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The application site is a detached property located on the south side of Low Lane with the A174 highway to the rear. On either side of the application site are detached properties at 138 and 134 Low Lane with 91 and 93 Low Lane located opposite. Within the immediate vicinity of the site are a mixture two-storey properties and detached bungalows which are set back from the main highway.

The application site is a detached bungalow with dormer windows and roof lights. The bungalow is set back from the main highway with an area of hard standing to the front and large rear garden.

This application is to vary two conditions on the recent planning approval which granted permission for the change of use of the property to a children's home, and which restricted the cared for residents to be children under 18 years of age. This variation is to alter the condition wording to provide a care home use which would enable the intended use of the building for young adults between the ages of 16 - 25 years. There will be no external works to the building or additional parking spaces for the proposed use and the internal works will remain the same as the previous approval.

The planning statement sets out that subject to the individual needs of the individuals, the staffing levels for the proposed adult service is expected to be 7 as opposed to the previous 8-9 staff that was approved for the children's care home on the site. Principally due to the omission of a dedicated housekeeper as the residents would be encouraged to do more of their own cleaning/domestic management than children would have been. Similarly, the night shift level of staff could possibly reduce from 3 to 2 given the level of support required for adults is less regular than for the children's care.

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## **PLANNING HISTORY**

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22/0714/COU- Change of use from residential dwelling (use class C3) to care facility (use class C2). No external works, approved with conditions 17th April 2023

M/FP/1000/15/P – Single Storey extension at rear, loft conversion, approved with conditions 30th September 2015

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## PLANNING POLICY

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

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

### Middlesbrough Local Plan

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

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

### National Planning Policy Framework

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

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

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land

Item No:

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

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

H1 - Spatial Strategy  
H11 - Housing Strategy  
DC1 - General Development  
CS5 – Design  
CS4 - Sustainable Development  
CS18 - Demand Management  
CS19 - Road Safety  
UDSPD - Urban Design SPD

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

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## CONSULTATION AND PUBLICITY RESPONSES

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

**MBC- Adult Social Care Commissioning Team (in summary)**

No objections to make in respect of the variation to the planning application in respect of 136 Low Lane.

**MBC – Environmental Health**

No comments

**Councillor Sharon Platt and Councillor Jim Platt**

We are writing to state our objections regarding the proposed change in the care home at 136 Low Lane to housing young adults within our community.

As concerned resident and councillors, we have two significant concerns.

Firstly, this area of Low Lane is predominately elderly residents and there is a concern that young people with challenging issues living next door and closely elderly residents who have lived here will be frightened and worried for wellbeing.

This proposed shift could have a significant impact on the peace and harmony of our community. Increased noise levels, disturbances, and potential conflicts arising from the change could disrupt the peaceful coexistence we currently enjoy, causing distress to existing residents and affecting property values.

Secondly, Low Lane is a major through road and it has become increasingly busy over the last 2 years due to increased housing development, and traffic now using the road as an alternative route to the 174.

We cannot accept that traffic will decrease if this home becomes an adult care facility. The application states that this request for change of use again is driven by the requirement from MBC.

It is disappointing and bewildering as to why when the application was already passed.

There have been 9 objection comments received which include 2 comments from Ward Councillors who are also local residents, following the neighbour consultation and the site notice.

### **Objection comments (in summary)**

#### Principle

- Original submission for children with problems and now changed to allow adults into same facility and into our community. Not opposed to facilities for people with difficulties but not integrated into communities which as is the plan on this application.
- Shortage of suitable care homes for young children in the UK and instead of addressing the shortage the strategy of care home investors to accommodate young adults appears to be solely linked to financial gain, prioritising revenue accumulation over the best interests of the children and residents. Lacks justification when demand for children's care homes.
- To allow this new variation to go through changing it to a facility for young adults, when there is already one at Low Lane House, is an appalling move. It shows the council has no consideration, compassion or empathy towards how residents feel when everyone I've spoken to didn't even want the children's home.
- Object to young adults but happy for younger children as was the original proposal.

#### Amenity

- Area predominantly elderly residents and there is concern that young people with challenging issues living next door to elderly residents will be frightened and worried for wellbeing.
- Change in the use could have significant impact on peace and harmony in community, increased noise levels and disturbances
- Increase in crime rates and anti-social behaviour from the change of use
- May create an environment which is less conducive for the wellbeing and development of the individuals themselves with transitioning to a setting that may not cater specifically for their needs could negatively impact the resident's mental health, social integration and quality of life.
- Urge Council to look at alternative solutions to prioritise safety and welfare of young adults such as alternative location or providing additional support and supervision within the current set up.
- Relative works 1 mile from this application site working with young adults and cause nothing but problems for the area, damage to property and cars and stealing and misbehaving night and day.

#### Highways/Parking

- Parking area now fenced off so no space for more than 4 cars for the 25 staff and management shifts
- Construction vehicles already park across the pavement
- Delivery vans /visitors will be parking all around the area.
- Low Lane major through road and increasingly busy over last 2 years due to increased housing and traffic as alternative route to A174 and cannot accept the traffic will decrease if the home becomes an adult care facility.

Application process

- Rubber stamp exercise as planning by stealth as this was always the intention and Council will always approve this.

Residual matters

- Castle Construction have been working on alterations to the home for month and only received the consultation on the 8/ 12/ 2023
- Issues selling our homes and devaluation.
- Where are the children who were supposed to reside in the home now and surely children and vulnerable adults not to share the same facility
- Existing cases involving care in the community adults which is making residents uneasy and vulnerable
- Application states driven by MBC requirements and disappointing as to why when the previous application was already passed.
- Unhappy Council not supporting their own residents and showing more support for business that is from the West Midlands

Objection comment addresses

43 (x2), 47 (x2), 85, 87 (x2), 93, 138 Low Lane

**Public Responses**

Number of original neighbour consultations	35
Total numbers of comments received	9
Total number of objections	9
Total number of support	0
Total number of representations	0

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**PLANNING CONSIDERATION AND ASSESSMENT**

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1. The applicant is seeking a variation to conditions 3 and 4 of the recent approval of the property which restricted the use to a children's home (C2) use. The proposal seeks the use to be amended to a care home for young adults aged between 18 and 25 years of age. The key material considerations to be considered are the principle of the development, the impact on amenity, impact on the character and appearance of the property and wider area and highway safety.

**Principle of the Development**

2. The National Planning Policy Framework (NPPF) was most recently revised and published by the Government in December 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 to those policies which are closer to those in the Framework (para 225). As a starting point, the proposal should be assessed against policies set out in the Development Plan.
3. The application site is located within a residential area of Brookfield with Core Strategy Policies CS4 (Sustainable Development), CS5 (Design), DC1 (General Development), H1 (Spatial Strategy and H11 (Housing Strategy) being relevant.



4. Policies H1 (Spatial Strategy) sets out the need to increase the supply of housing to meet the aspirations of an economically active population and to consolidate and build on the success of popular neighbourhoods. Policy H11 emphasises the need to ensure a quality of life is maintained through protecting the existing high qualities of areas by ensuring that new development should be of a high quality.
5. Core Strategy CS4 (Sustainable Development) and CS5 (Design) set out that new development should be high quality and located so that services and facilities are within walking distance to encourage sustainable transport methods.
6. The application site is located within a residential area of Brookfield. The property is in a sustainable location with shops located within walking distance at The Oval and a bus stop directly to the front of the property and to the less than 100 metres to the north-east along Low Lane.
7. The proposed use would not notably alter the provision or levels of housing within this area.
8. Objection comments have been received which relate to the shortage of children's homes in the area and the fact the change to adults appears to be for financial gain over the best interests of residents and children. The required need or market requirement for either a children's home or an adult service in this area is not a material planning consideration which can be considered. However, this variation application would enable the home to be utilised by both children and adults.
9. Overall, the proposed care home use is considered to be within a sustainable location and the loss of a single dwellinghouse is considered not to have a significant impact on the Council's Housing delivery strategy. The proposal therefore accords with the guidance set out within Core Strategy Policies CS4, H1 and H11.

### **Amenity**

10. Core Strategy Policy DC1 (c) - *General Development*, requires all new development to consider the potential impact on the amenity of the occupants of the neighbouring properties.
11. Objection comments have been raised regarding the potential impact in terms of noise levels/disturbance associated with the intended use within this residential area.
12. This variation application seeks to amend the age limit of the previously approved children's home use at the property to enable occupants between the ages of 16-25 years. The proposed use would provide a transitional form of service to assist residents to transition between the child-care and adult care services. This variation relates to the age of the occupants only and not to the number of occupants within the dwelling which will remain as a maximum of 6 but may be lower dependant on individual needs.
13. This application seeks to vary the age range of the occupants that was previously approved and specifies an age range of 16 to 25 years. The proposed use of the premises is to provide a home to assist young adults with care and advice to enable them to transition into future independent living. From a planning perspective, if the occupants were to be over 25 years of age the operational use of the building would remain the same in terms of staff levels and care provision etc. On this basis, given

Item No:

there would be no significant changes to the operational use of the building should adults over the age of 25 be accommodated within the building, there is considered to be no requirement for a condition to limit the age range of the intended occupiers of the care home.

14. As set out within the planning statement, the increase in the age limit of the occupants will not result in an overall increase in the staffing levels and whilst the staff provision will still be 24 hours a day the levels of staff may in fact reduce given the increased age range of the intended occupants. The proposed variation to the age range of the occupants is considered not therefore to result in an intensification of the previously approved use of the property.
15. Concerns have been raised regarding the potential for anti-social behaviour given the proposal will increase the age range of the occupants and given similar issues which are indicated as having arisen at adult care homes in the vicinity and particularly given there are elderly residents in the area. Anti-social behaviour is not a material planning consideration given it relates to the actions of an individual rather than being an impact of the use and it may or may not occur as would be the case for any occupation of any residential property. Notwithstanding this, it is considered important to ensure the scale of the care home is limited to be of a scale which is suitable for its location. Whilst the existing built scale of the property will largely do this, it is considered appropriate to restrict the number of cared for people by condition, restricted to a maximum of 6 residents, which match's the limits placed on the previous approval for a children's home.
16. This variation application is solely in relation to the age range of the intended occupants and not to the proposed number of occupants or for an increase/change to the staffing levels / shift change times. Therefore, this proposed variation to the age range of the occupants is considered to not result in any additional undue noise/disturbance to the amenity of the neighbouring properties and is considered to accord with the guidance set out in Core Strategy Policy DC1(c).

### **Character and Appearance**

17. Policies CS5 and DC1 along with the Middlesbrough Urban Design Guide state that all new development should be of a high quality in terms of layout and contribute to the character of the area.
18. The previous approved change of use to a children's home provided no external alterations to the property and this variation application shows no external alterations to the property.
19. Sections of boundary fencing have been constructed within the garden areas and where above 2m in height these would require planning permission. The applicant has confirmed that the fencing recently erected will be reduced to fall within the permitted development regulations, which would not then require planning permission. These works to reduce fencing height will be secured by condition to be completed prior to the occupation of the building.
20. The proposal will result in more comings and goings than the previous residential (single dwelling) use of the site given the staffing numbers at the site and the need for shift changes of the staff. Whilst noted, the property is detached, set behind a wall and gate from Low Lane which itself is a well trafficked highway. Adjacent properties are

large properties within their own grounds and spacing is considered to be sufficient to prevent this having a significant adverse impact whilst the movement of vehicular traffic is a defining characteristic of this immediate area.

21. The proposal is considered to have no significant impact on the overall character and appearance of the street scene and accords with the criteria set out within Policies CS5 and DC1.

### **Highway Safety**

22. Core Strategy Policy DC1 (d) requires all new development to ensure there will be no impact on highway safety.
23. Objection comments have been received that construction vehicles park across the pavement, delivery vans/ visitors will be parking all around the area, parking area has been fenced off so cannot provide space for more than 4 cars within the site and that cannot accept the traffic will decrease if the home becomes an adult facility with Low Lane being a major through road with increase in level of traffic in the last two years due to additional housing.
24. The vehicle access to the property is taken off Low Lane with a large area of hard standing to the front of the property. The plans for the previous approval confirmed the area to the front of the property could accommodate 8 car parking spaces which was considered adequate for the level of staff and usage of the site although may result in some parking outside the premises depending on how the management operate the premises. The current driveway allows vehicles to enter and leave the site in a forward gear, thereby limiting the need to manoeuvre cars outside of the site.
25. Since the submission of the application the applicant has constructed a formal bin store area to the front of the property which removes one car parking space. The applicant has confirmed the fencing will be removed from the bin store area with the concrete remaining for the installation of an electric vehicle charge point, which can be installed under permitted development rights subject to height restrictions on the charge point upstand. The removal of the fencing around the bin store prior to the occupation of the building can be secured by a condition.
26. The supporting statement sets out that the variation to enable adults to reside at the premises will not increase the levels of staff or vehicles to the property which was approved under the previous children's home application. The exact numbers of staff will be dependent on the specific needs of the occupants but the planning statement in support of the proposal sets out that a typical young adult use would require a lower staff to resident ratio than a children's home.
27. In this instance, the expected staff level during the day would be 7 with the night time staffing levels potentially being reduced from the previous 4 night time staff for the children's home approval to 3 or possibly 2 night time staff members dependant on the individual requirements. The potential reduction in the staffing levels and the fact the staffing levels will not be increased from the previous children's home approval means the proposed variation to the approved use will not generate any additional staff vehicles to the property with adequate parking within the site.
28. In view of these matters, it is considered that the proposed variation to the previous approved use will not result in a notable impact on the local highway network in relation

to safety or capacity, being in accordance with the criteria set out within Core Strategy DC1(d).

### **Residual Issues**

29. Objection comments have been received that the change may create an environment which is less conducive for the well-being and development of the individuals transitioning to a setting that may not cater specifically for their needs which could impact on their mental health, social integration and quality of life. The management and care provision of the service will be the responsibility of the care providers but the proposed location is within an existing sustainable residential area which has access to local transport links and services which is considered appropriate for the integration of the occupants into the community.
30. Objection comments note the Council should look at alternative solutions in terms of the locations to prioritise the safety and welfare of the young adults. Whilst noted, the Local Planning Authority consider the applications placed before it, rather than defining a strategy for the provision of child / adult social care. Furthermore, the safety and welfare of the occupants is the responsibility of the operator.
31. Comments have been received that the process is a rubber stamp exercise and is planning by stealth as this was always the intention and the Council will always approve this. The supporting statement sets out the requirement for the change to the age limits is a direct result of the recent change in local commissioning intentions and priorities of social services since the original consent was granted for the children's home. Notwithstanding the applicants reasoning, it is a legal requirement for decisions to be made in line with Local Planning Policies and relevant material planning considerations and officers have undertaken this in the provision of this report.
32. Objection comments indicate there has been ongoing alterations to the property for a month and that residents only received the consultation on the 8th December 2023. Whilst noted, planning permission was granted in April 2023 for the change of use to a children's home and therefore works can be completed in line with this permission with this variation application only relating to the age of the future occupants of the building.
33. A number of matters have been raised such as devaluation and selling properties, existing issues with adult care homes and the application being from a firm in the West Midlands. These are not material planning considerations and cannot be taken into account in reaching a decision on this application.

### **Conclusion**

34. This proposed variation is to the wording of two of the conditions of the previous approval to alter the use from a children's home to a care home to enable young adults. There will be no external changes to the property with the internal changes remaining as under the previous approval. The total number of individuals accommodated within the property would not increase from the previous approval which would be limited to 6 with the staffing levels remaining the same or possibly depending on the individual circumstances lower than the staffing level previously approved.
35. As a result, the variation of the conditions and proposed use to enable adults to be accommodated is not considered to generate any significant increases in traffic,

parking and will not result in any issues in relation to highway safety, noise or amenity to the neighbouring properties. The proposal is considered to accord with the guidance set out within Core Strategy Policies H1, H11, DC1, CS4, CS5, CS18, CS19, UDSPD and the NPPF (December 2023)

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## RECOMMENDATIONS AND CONDITIONS

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### Approve with conditions

1. Time Limit

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

Reason: 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 submitted and approved under application 22/0714/COU and shall relate to no other plans

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

3. Removal of Bin Store

Prior to the occupation of the development hereby approved the fencing surrounding the bin store area within the front hard standing area towards the front boundary wall/entrance gates shall be removed and this area retained as a car parking space for the lifetime of the development, unless otherwise agreed with the Local Planning Authority.

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

4. Reduction in the height of the internal boundary fences

Prior to the occupation of the development hereby approved the internal boundary fencing shall be reduced to 2 metres in height or below from ground floor level, unless otherwise agreed with the Local Planning Authority.

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

5. Restricted Use

The premises shall be used as a care home and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking or re-enacting that order with or without modification), without planning permission being obtained from the Local Planning Authority.

Reason: To adequately control the use of the site having regard to the nature of the site and the particular circumstances of the application to protect the amenity of the

Item No:

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

6. Maximum occupation

The use hereby approved shall be limited to provide care accommodation for up to 6 people and no more at any one time.

Reason: In order to ensure the facility is limited in its scale relative to the considerations taken and ensure the facility is appropriate for its location.

**Reason for approval**

This application is satisfactory in that the variation of conditions 3 and 4 to change the use to a care home to allow young adults to reside in the premises accords with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policies H1, H11, CS4, CS5, CS18, CS19 and DC1). Where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraph 38 of the NPPF (2018).

In particular, the variation of conditions 3 and 4 will not prejudice the character and function of the area and does not significantly affect any landscaping or prevent adequate and safe access to the site. The proposed residential use will be consistent with the existing residential uses of this location and it will not be detrimental to any adjoining or surrounding properties. The traffic generated, car parking and noise associated with the proposed variation to the change of use will not be of a level likely to result in an unacceptable impact on nearby premises.

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

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**INFORMATIVES**

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- Building materials

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

- 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.

- 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.

Case Officer: Debbie Moody

Committee Date: 8<sup>th</sup> February 2024



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**Site Location Plan**  
**1 : 1250**





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## APPLICATION DETAILS

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<b>Application No:</b>	23/0631/MAJ
<b>Location:</b>	Discovery Special Academy, Sandy Flatts Lane, Middlesbrough, Middlesbrough, TS5 7YN
<b>Proposal:</b>	Erection of single storey Secondary School building (class F1) with associated works including landscaping, fencing and extension to parking area
<b>Applicant:</b>	Jennifer Duncan
<b>Company Name:</b>	
<b>Agent:</b>	Michael Martos
<b>Company Name:</b>	
<b>Ward:</b>	Kader
<b>Recommendation:</b>	Approve Conditionally

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## SUMMARY

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Planning permission is sought for the erection of a special educational needs (SEN) secondary school on the existing Discovery Academy site, which is on the northern side of Sandy Flatts Lane.

Whilst the application site is allocated on the adopted Local Plan Proposals Map as part of the Green Wedge, planning permission was granted in March 2021 for the creation of a SEN primary school at the site, which included a new school building and the associated playing areas and car parks. The land is, therefore, considered to have an established educational use.

The site is located on land that is designated as Green Wedge, and includes both Primary and Secondary Open Spaces. Whilst local policies seek to safeguard such land from development, it is the officer view that the provision of a Special Educational Needs (SEN) secondary school should be considered as an exception, as the development would have an over-riding benefit to the community as a whole, which would outweigh the loss of this part of the Green Wedge.

In addition to the above, it is considered that the proposed development would not result in the significant loss of open space. The application site occupies a relatively small area of the larger Green Wedge allocation, and that the green character and open appearance of the Green Wedge is not significantly harmed.

Given the above, it is the officer recommendation to approve conditionally.

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## SITE AND SURROUNDINGS AND PROPOSED WORKS

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The application site forms part of the Discovery Academy SEN primary school, which was granted planning permission in March 2021 and lies on the northern side of Sandy Flatts Lane. The application is detailed and all matters – including layout, scale, access, landscaping and appearance – shall be assessed.

The application is for the erection of a single storey secondary school building, which would be located to the east of the existing primary school building and to the north of the multi-use games area. As well as additional landscaping and fencing, the car park for the school will be extended to the south of the site.

The proposed school building would be part modular and part traditional building (the main hall) and would comprise part cladding, part timber and part brickwork to tie in with the existing adjacent primary school building.

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## PLANNING HISTORY

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20/0565/EIASC  
Screening opinion for proposed Discovery Academy  
EIA Not Required  
14th October 2020

20/0566/FUL  
Erection of school building (Class F1) with associated outdoor-sports areas, parking and landscaping  
Approved subject to S106 agreement  
3rd March 2021

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## PLANNING POLICY

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

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

### Middlesbrough Local Plan

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

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- 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:

CS17 - Transport Strategy  
CS20 - Green Infrastructure  
MWC4 - Safeguarding Minerals  
MWP1 - Waste Audits  
CS4 - Sustainable Development  
CS5 - Design  
CS16 - Education  
CS18 - Demand Management  
CS19 - Road Safety  
DC1 - General Development  
E2 - Green Wedges

E7 - Primary Open Space (Existing)  
E10 - Secondary Open Space  
Urban Design SPD

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

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## CONSULTATION AND PUBLICITY RESPONSES

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The application has been the subject of the standard notification of neighbouring properties by letter drop, which includes 86 different addresses. The application was also advertised in the local newspaper and a site notice was displayed at the application site to ensure wider publicity.

Following the consultation period, 6 letters of objection were received from local residents (one of which was anonymous). The comments within the representations can be summarised as follows:

- a) Parking at drop off and pick up time causes disruption now along Sandy Flatts Lane and this would become worse. Pedestrians are forced to walk on the road.
- b) The car park expansion will not stop vehicles parking along Sandy Flatts Lane, as they already do, causing congestion and stopping free flow of traffic. Double yellow lines should be extended to prevent on street parking.
- c) There will be more noise from the additional traffic expected.
- d) The existing access road of Sandy Flatts Lane is not wide enough for the amount of traffic using it. The road needs to be widened to account for the vehicles, especially coaches, that will be using it.
- e) The primary school is nearly at full capacity, so how long until the existing primary school needs to increase again? The same can be said for this proposed secondary school.
- f) Trees need to be felled to accommodate the new building.
- g) The new building would have an overbearing visual impact.
- h) The existing school is an eyesore and out of character with the surrounding trees and green areas.
- i) The layout and density of the building seems inappropriate for the plot of land.
- j) The building is close to a live high pressure gas main.

### **Summary of Public Responses**

Number of original neighbour consultations	86
Total numbers of comments received	6
Total number of objections	6
Total number of support	0
Total number of representations	0

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

Planning Policy – No objections

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The site is located on land that is designated as Green Wedge, and includes both Primary and Secondary Open Space which are areas that should be safeguarded from development. However, as the application regards the provision of a SEN secondary school, it may be considered that an exception can be made as the development would have an over-riding benefit to the community as a whole and would not result in the significant loss of open space.

Highway Planning – No objections subject to conditions

Car parking has been provided in accordance with the Tees Valley Highway Design Guide, the majority of pupils arrive by pre-planned managed travel, swept path analysis demonstrates that the internal layout is suitable, and a Travel Plan is currently being implemented and will be further conditioned. As such it is not considered that grounds could be sustained that there is a high likelihood that unmanaged car parking will occur to the detriment of free flow of traffic or highway safety.

Local Flooding Officer – No objections subject to conditions

The proposed drainage strategy is considered to be acceptable as it follows the principles as outlined in the flood risk assessment. Additional information is required, including details of the design, the management and maintenance of the drainage system.

Environmental Health – No objections subject to conditions

A validation report is required to ensure there are no contamination issues and that the school is safe for people to use. Conditions are also recommended to ensure the development is carried out in accordance with the submitted noise assessment and that a validation report is required to ensure the specified noise levels are achieved. A further condition is recommended to approve the external lighting layout.

Waste Policy – No objections

Secured By Design Advisor – No objections

The development should be developed to accredited secured by design standards.

**Responses from Statutory and External Consultees**

Northumbrian Water – No comments received

Northern Gas Networks – No objections

Initially issued a standard objection as the proposals are close to its intermediate pressure gas transmission system. The developer is to provide assurance to Northern Gas Networks that its assets will not be affected or that the relevant protective measures will be incorporated within the development proposals.

Cleveland Fire Service – No objections

No comments to make on the application, however Access and Water Supplies should meet the statutory requirements.

Health and Safety Executive – No objections

The development site is not within the consultation distance of a major hazard site or major accident hazard pipeline. The HSE has no interest in the proposals and does not advise against the application.

Environment Agency – No objections

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## PLANNING CONSIDERATION AND ASSESSMENT

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### Background

1. The proposed development relates to the erection of a secondary school building and associated works at the existing Discovery Special Academy, Sandy Flatts Lane. The development will form an addition to an adjacent primary school building granted consent in March 2021 (20/0566/FUL), with building works completed in 2022.

### National Planning Guidance

2. 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). 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 (Paragraph 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 (Paragraphs 224 and 225).

3. Put simply, this means all proposed development that is in accordance with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless material considerations indicate otherwise.

4. Section 2 of the NPPF gives a broad outline on achieving sustainable development. To ensure sustainable development is pursued in a positive way, Paragraph 10 states that the presumption in favour of sustainable development is at the heart of the framework. Paragraph 11 requires development proposals that are in accordance with the development plan to be approved without delay.

5. Specific Government guidance for school related development is held within chapter 8 of the NPPF. Paragraph 99 within chapter 8 outlines that *'it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They [LPAs] should (a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications, and (b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'*

6. It is clear that the Government intends that decisions on planning applications should be in accordance with the relevant Development Plan and that new development should be in accordance with the relevant Development Plan for the area. However, other material considerations can be taken into account by the Local Planning Authority providing they are relevant to the development being proposed. The weight of these other material considerations and how they balance against the policies in the Development Plan is fundamental to the consideration of this application by Members.

### Local Policy Context and Assessment

7. The development site is located on land that is designated as Green Wedge. In addition to this, the western part of the site is designated as Secondary Open Space and the eastern part as Primary Open Space. Given this allocation on the Proposals Map, Policies E2, E7, E10 and CS20 are applicable.

8. Local Policy E2 seeks to retain Green Wedges as open space and sets out several criteria where planning permission will not be granted. These include:

9. *Criterion (i) Development would include substantial building works.* Whilst it is acknowledged that the proposed building has been designed to be predominantly single storey to minimise its visual impact, it would involve substantial building works. The application could be considered to fail this criterion.

10. *Criterion (ii) Development would result in loss of grade 1 to 3a agricultural land.* The application site is classified as grade 3 agricultural land but has not been in agricultural use in recent years. Consequently, the development of the site would not result in any loss of land in productive agricultural use.

11. *Criterion (iii) Development would affect the predominantly open, green character of a Green Wedge or create undue nuisance or disturbance to occupiers of nearby properties or to quiet enjoyment of the open space.* The school site is located on the southwest edge of the Green Wedge and forms a relatively small area of the overall Green Wedge. As such, it is considered development of the application site would not be detrimental to the predominantly open, green character of the wider Green Wedge. The application has been supported by an acoustic report which sets out mitigation measures to ensure appropriate levels of noise.

12. *Criterion (iv) Harm visual amenity.* With the majority of the proposed development being single storey, it is considered this will assist in limiting its visual impact. Although some of the tree belt along the eastern boundary of the site are to be removed to enable the development, the majority of the trees on site will be retained and assist in screening and limiting the visual impact of the proposed building on the wider Green Wedge. When approaching the site from the south along Sandy Flatts Lane, however, the southernmost part of the site is proposed for the extended car park where no screening trees or landscaping is proposed. It is considered that this car park expansion could adversely affect the Green Wedge by extending the existing hardstanding landscaping, which is dominated by parked cars, hard surfacing and ancillary structures. Mindful of which, it is considered that boundary planting around this part of the site would assist to better integrate the proposed development with the surrounding natural environment and to retain the green character of the Green Wedge and Secondary Open Space. A condition can be recommended to secure appropriate planting as part of the development.

13. *Criterion (vi) Impair public access to Green Wedges or compromise greenlinks.* It is understood that the proposed school site is not located on land that the public have a right of access over. A greenlink runs immediately adjacent to the east of the site, but it is the officer's view that the proposed development would not negatively impact on public use of the greenlink.

14. *Criterion (viii) Reduce the physical separation between existing development.* With the recent development of the Discovery Academy SEN primary school at the site, it is considered that there will be no additional harm to the physical separation between existing development. Whilst the existing primary school inevitably reduced the physical separation between development, the proposed development would be within the boundaries of the

existing school and does not significantly encroach into the existing surrounds. It is considered that any adverse visual impacts from the development could be mitigated by additional soft landscaping and planting around the boundaries of the site.

15. Policy E7 seeks to safeguard allocated Primary Open Space from development. The Policy does, however, allow development that is of over-riding benefit to the community as a whole provided that it would not result in the significant loss of specified types of open space, including open space within a Green Wedge. In this case, it is considered that the provision of a SEN secondary school would be of over-riding benefit to the wider community. Moreover, the area of Green Wedge to be lost is considered to be relatively small compared to the broader Green Wedge in the locality, which will be retained. The Primary Open Space that is included within the eastern part of the application site is a relatively thin strip of land, which would accommodate part of the building but would remain largely grassed or feature other soft landscaping. The proposals retain parts of the tree belt within the Primary Open Space along the eastern boundary, which would help to protect its visual and landscape value.

16. Policy E10 advises that planning permission will only be granted for development on Secondary Open Space where it would not result in a loss of an area of significant recreational, visual or amenity resource or of significant nature conservation value. In all cases, the policy states that the predominantly green character of the open space should be retained. The proposed layout illustrates that the northern part of the wider school site would be retained grassed as part of the Secondary Open Space and preserves the predominantly green character of the Green Wedge.

17. Policy CS20 advises that the loss of green space that contributes to the achievement of an integrated network of green infrastructure will be resisted. The Policy specifically identifies Middlesbrough's 'green lung' and Green Wedge as part of the strategic network, which the site is located within. As already stated in relation to Policy E2 above, development of the site would result in the loss of a relatively small area of Green Wedge, though it is considered that additional tree planting and soft landscaping would help to minimise the impact of the development on the integrity of the wider Green Wedge.

18. Policy CS5 requires all development proposals to demonstrate high quality of design in terms of layout, form and contribution to the character and appearance of the area. This includes criterion (c) *ensuring development is well integrated with the immediate and wider context* and criterion (f) *ensuring a quality of new development that enhances both the built and natural environments*. Evidently, the site is recognised as a sensitive location being within the Green Wedge. It is important therefore that the design integrates well with the existing primary school and the surrounding natural environment.

19. With a single storey height, the building is relatively low and considered to be unimposing in this Green Wedge setting. Not only are the chosen materials (which include brickwork and timber cladding) within the building intended to complement the existing primary school, but they are considered to reflect the context of the surrounding environment – the brickwork reflecting the housing at Sandy Flatts Lane and the timber cladding responding to the open nature of the Green Wedge.

20. Policy CS4 requires all development to contribute to achieving sustainable development. This includes criterion (d) *that everyone should have access to the education facilities they need*. It is the officer view that the proposed secondary school will assist in providing access to education facilities for pupils, in particular, those with special educational needs.



21. Policy CS16 seeks to ensure that everyone has access to the facilities required to meet their educational needs. The Policy sets out criteria when considering the provision of new schools. These include that: a high quality learning environment is created, opportunities to incorporate other related educational and community initiatives are considered, that the design and materials minimise maintenance and running costs, and that the education facility is accessible to the catchment it is designed to serve. It is considered that the proposed development will provide such facilities to help improve the quality of the learning environment for pupils with learning disabilities and special education needs and disabilities.

22. Policy DC1 requires the effect of development on the Green Wedge to be limited, that the visual appearance and layout of development is high quality, that existing transport infrastructure has capacity for the development with no impact on highway safety, and that the amenities of occupiers of nearby properties is protected. The visual appearance and layout of the proposed development have been discussed and considered to be of a good quality and acceptable in this location.

23. In terms of the impacts on the amenities of neighbouring occupiers, the nearest properties to the site are over 200 metres to the west. Moreover, the existing primary school shields the proposed building from these residential properties. It is considered that this separation distance combined with the intervening existing primary school would result in no undue harmful impacts on the living conditions of existing occupiers.

24. A new bin store would be created to accommodate the proposed development, which would be positioned on the western side of the school site within the car park and adjacent to the existing cycle store. Whilst this position is nearest to the existing residents, it is considered unlikely that the bin store would be harmful to the residential amenities of nearby occupiers, which are over 100 metres away. The location of where bins and cycles are stored is not something that usually requires planning permission, only the enclosures behind which they would be stored. Being within the car park, the bin store would occupy a fairly prominent location. However, it would be reasonably well screened by parked cars and the soft landscaping at the front of the site. As no finishing details for the bin store have been submitted, a suitably worded condition is recommended to secure these finishing materials are sympathetically designed and do not have an adverse impact on the Sandy Flatts Lane streetscene.

25. A secure 2.4-metre-high weld mesh fence is proposed around the extended car parking area, which would match the existing fence and considered to be acceptable. No other existing boundary treatments at the site would be altered.

#### Transport Implications

26. Policy CS17 requires all development to be located where it will not have a detrimental impact on the operation of the strategic transport network. Policy CS19 seeks to reduce the impact of traffic and improve road safety and the quality of environment through school travel plans and safer routes to schools. It is noted that a Travel Plan has been submitted in support of the planning application. Policy CS18 requires development proposals to incorporate measures that improve the choice of transport options.

27. As noted, Policy CS4 requires all development to contribute to achieving sustainable development, which includes criterion (i) locating developments that attract large numbers of people in locations accessible by sustainable forms of transport. The site is in relatively close proximity to the bus network 'super core' route along Acklam Road and there are

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further bus stops along Ladgate Lane, providing a further sustainable transport option for school staff.

28. As the development proposals seek to create further parking as part of the extension to the existing Discovery Academy school, the traffic implications of the proposed development need to be considered.

29. The proposals will utilise the existing entrance points into the site and extend the car parking within the site from internal access points.

30. The development will result in the following increases:

	Existing	Proposed	Net Change
Pupils	118	188	+70
Staff	74	114	+40
Car Parking	48	80	+32
Mini bus	10	20	+10
Charging Points/spaces	0	4	+4

31. Concerns have been raised previously regarding the suitability of Sandy Flatts Lane, the traffic generation and parking associated with the proposed schools. The primary school already exists and, as such, the consideration of the impact on the highway is the change in volume/usage associated with the proposed secondary school development. Sandy Flatts Lane in terms of its geometry (width of the carriageway, centreline radius, achievable sightlines etc.) is considered to meet all local and national guidance. As such, there are no highways nor planning grounds to seek any changes nor improvements to the highway.

32. There are a number of factors that are specific to this school and these proposals that makes the way it operates different to other schools. Due to the needs of the pupils and size of catchment, it is unlikely that pupils will utilise active travel to get to school, meaning the school has a higher reliance on vehicular access. However, the impact of this is minimised, as the majority of children are brought in by minibus, which surveys have demonstrated to have an average occupancy of 10 children. The proportion of children brought in individual cars is low and, given the needs of the pupils, the tendency seen at other schools for parents/carers to park on the adjacent highway and wait is not as considered to be as prevalent.

33. The applicants have provided the following data on how staff and pupils travel to school based upon surveys.

EXISTING (PUPILS)				PROPOSED (PUPILS)		
Mode	No.Pupils	%age Pupils	Vehicles	No.Pupils	%age Pupils	Vehicles
Walk	0	0	0	0	0	0
Cycle	0	0	0	0	0	0
LA Taxi	4	3	4	4	2	4
LA Minibus (Avg 10 pupils per minibus)	119	86	12	160	85	16
Parent/Guardian Car	16	12	16	24	13	24
Public Bus	0	0	0	0	0	0
Train	0	0	0	0	0	0
Other	0	0	0	0	0	0
<b>TOTAL</b>	<b>139</b>	<b>100</b>	<b>32</b>	<b>188</b>	<b>100</b>	<b>44 (+12)</b>

EXISTING (STAFF)				PROPOSED (STAFF)		
Mode	No.Staff	%age Staff	Vehicles	No.Staff	%age Staff	Vehicles
Walk	3	4	0	5	4	0
Cycle	1	1	0	1	1	0
Car (assume single occupancy car)	64	86	64	89	78	89
Public Bus	2	3	0	4	4	0
Train	0	0	0	0	0	0
Other	4	5	0	15	13	0
<b>TOTAL</b>	<b>74</b>	<b>100</b>	<b>64</b>	<b>114</b>	<b>100</b>	<b>89 (+25)</b>

34. The tables above demonstrate that the increase in vehicle movements would be 49 two-way vehicle movements.

35. Of the trips, only pupil movements are likely to occur during the traditional highway AM/PM peak periods, when demand on the network is at its greatest. Pupil trips will generate an increase in 24 two-way movements (12 inward and 12 outward). Whilst there is an increase in 25 staff movements over the existing situation, staff will arrive at work and leave outside of the tradition peak periods when there is greater capacity on the network. As with all schools, this increase in traffic generation will only occur during the school peak periods in term time only and outside of these periods such traffic will not be generated by the site.

36. Aimsun modelling work submitted with the original consent for the school demonstrated that the existing school would not have a material impact on the operation of the adjacent highway network, nor be of a level that could be demonstrated to be severe as per the requirements of the NPPF. Officers are of the view that the likely increase in traffic associated with the new secondary school building would not change this position.

37. A Travel Plan was secured through the previous consent for the school, and this is recommended to be conditioned again to cover the proposed building. The Travel Plan will focus more on staff travel and, among other initiatives, seek to encourage staff to car share and use alternates to the private car in order to further manage car parking on site and minimise vehicular impact.

38. The surrounding highway is protected from indiscriminate parking by waiting restrictions, which can be enforced by the Highway Authority. In numerous appeals, the Planning Inspectorate has taken a clear stance that refusing applications on the grounds of unmanaged parking on the highway is unlikely to be successfully defended where Traffic Regulation Orders or other tools at the disposal of Highway Authorities are available to address and manage such concerns.

39. Car parking for the proposed development has been provided in accordance with the Tees Valley Highway Design Guide. With the majority of pupils arriving by pre-planned managed travel, it is considered that this limits the adverse impacts of unmanaged car parking on the adopted highway, which may be to the detriment of free-flowing traffic. Swept path analysis has been submitted with the application that demonstrates that the internal layout is suitable and allows for all vehicles arriving at the site to leave in a forward gear. With the further conditioning also of a Travel Plan, it is considered that the likelihood of unmanaged car parking occurring at the site will be low, and there would be no significant impacts on the free flow of traffic or highway safety.

40. Given the above factors, there are no objections to the scheme from a highways perspective, subject to conditions requiring the works being in line with a revised Travel Plan, the implementation of the cycle store and parking areas before occupation, and a method of works statement to protect the existing highway.

#### Flood Risk and Drainage Implications

41. Given the area of the site and the sensitivity of the use, the application has been submitted with a Flood Risk Assessment (FRA). The site is within flood risk zone 1, which is recognised as an area with low probability of flooding.

42. The submitted drainage information has been considered and it is noted that the surface water design and strategy follow the principles as outlined in the FRA and drainage strategy, but some of the points need clarifying and may still have an impact on the final design.

43. It is understood and accepted that SuDS features below ground are to be used due to the use of the site and their location, and that appropriate pollution mitigation methods are to be implemented. It is noted that surface water will be discharged into the surface water network across the rest of the site, which is currently restricted to 6.3l/s before entering the NWL sewer system. It is accepted that the discharge rate from the proposed development will be limited by way of a vortex hydrobrake to less than the identified greenfield run-off rate. The discharge is into a network that has already been calculated and restricted, so clarification is required on the impact that this additional flow will have on the existing network, and if it has the capacity to take the additional flow/storage within the network.

44. While the proposed drainage plan follows the principles as outlined in the FRA, limited information has been provided in relation to the maintenance and management of the drainage system. Information has been provided within the FRA appendix on Drainage Maintenance Schedules, although clarification is required on the precise details as this appears to cover all types of assets, including those not provided. The FRA recommends

that flood resistant/resilient construction techniques are utilised, but information would be required on how this would be achieved.

45. While it appears that there is no flooding from manholes during the 1 in 100 +45% for climate change, confirmation is required on the 1 in 200-year event plus climate change. If flooding is anticipated, a plan is required showing exceedance routes.

46. The submitted drainage information has been considered by the relevant drainage authorities who are satisfied with the proposed strategy as it follows the principles as outlined in the submitted Flood Risk Assessment. However, conditions in relation to the maintenance and management of the drainage system, as well as details of surface water arrangements, are recommended to secure appropriate details.

#### Health and Safety Considerations

47. The proposed development has been considered using the Health and Safety Executive (HSE) web app. It has been identified as a site that does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline. The HSE does not need to be consulted on any developments on this site and does not advise against the proposed development.

48. Northern Gas Networks initially issued a standard objection to the application, as the proposed works are considered to be close to its intermediate pressure gas apparatus. The developer is to provide Northern Gas Networks with assurances that the works either do not impact upon its assets or that protective measures will be put into place during the construction phase.

49. A detailed Site Investigation and Gas Monitoring reports were submitted with the application, which have been considered by the Council's Contaminated Land Officer. Whilst the findings of the report are accepted, gas mitigation measures will be required as a minimum for the traditional built structures (the main hall of the building). A condition is recommended for a validation report to be submitted post construction to ensure all necessary mitigation measures are implemented.

#### Ecological Considerations

50. Due to the overall scale of the proposed development and its siting in the Green Wedge, it is important to ensure that there are no adverse impacts on any protected species, flora and fauna, and that the development provides biodiversity net gain as required by national planning guidance. The National Planning Policy Framework (NPPF) provides protections for important sites and wildlife and makes provisions for the delivery of biodiversity net gain. The latest published version of the NPPF strengthens policy wording on biodiversity net gain.

51. Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity value, and minimising impacts on and providing net gains for biodiversity. Paragraphs 185 and 186 continue by stating that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

51. The application was supported by an overarching preliminary ecological appraisal, which assesses the likely impacts of the proposed development on local wildlife, with particular note to bats, reptiles, amphibians, birds and badgers. The survey concludes that there are no potential roosting features for bats but is appraised as having moderate value for bat activity. To avoid impacts upon bat activity, the report recommends that dark and unlit corridors should be maintained around the site, which would allow bats to pass through the site unhindered by artificial lighting.

52. The report advises that a bespoke amphibian and reptile method statement should be undertaken, as there are habitats in the area that have potential for amphibians and reptiles. For badgers, the survey advises that all excavations be covered at night to avoid accidental trappings.

53. Noting the proposed removal of a number of trees, the survey recommends that all tree removal should be completed outside of the main nesting season. If this is not possible, all suitable habitats should first be checked by a suitable ecologist. As well as this, the survey recommends artificial bird nesting features to be incorporated within the scheme.

54. Conditions are recommended to secure the appropriate protection and mitigation during and after construction principally through adherence to the submitted preliminary ecological appraisal, and a separate condition is recommended to ensure the requirements of biodiversity net gain are met.

#### Residual Matters

55. The application has been supported by an arboricultural assessment, which has been undertaken by a qualified arboriculturalist. As noted earlier, a number of trees are to be removed to enable the construction of the building but the assessment identifies that all these trees to be removed are categorised as either B (moderate quality) or C (low quality); no trees to be removed are considered to fall under category A (high quality). Although it is preferable to retain as many moderate quality trees as possible, it is considered that replacement planting can compensate for the trees lost to make way for the development. A suitably-worded condition is recommended to secure new planting.

#### Conclusion

56. Although the proposed development could be considered contrary to Policy E2 (Green Wedge), like the SEN primary school development that preceded it, it is considered that the benefits of the proposed special educational needs secondary school to the community as a whole outweighs the loss of this Green Wedge. Moreover, the site area is a relatively small area of the larger Green Wedge allocation, which extends as far north as Linthorpe and as far east as Marton Road. As for the lost piece of Green Wedge, it is considered that if tree planting and landscaping were to be incorporated within the application site boundary, this would reduce the visual impact of the development on the Green Wedge.

57. Overall, the officer recommendation is to approve subject to conditions.

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## **RECOMMENDATIONS AND CONDITIONS**

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## 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 accordance with the following approved plans:

- a) Location Plan (1901 Rev P01)
- b) Proposed Block Plan (1804 P01)
- c) Proposed Site Plan Part A (1805 Rev P01)
- d) Proposed Site Plan Part B (1806 Rev P01)
- e) Proposed Ground Floor Plan (1003 Rev P01)
- f) Proposed Roof Plan (1004 Rev P01)
- g) Section AA BB (3002 Rev P01)
- h) Section CC DD (3003 Rev P01)
- i) Proposed Elevations (2002 Rev P01)
- j) Proposed Landscape Plan (Illustrative) (0001 Rev 04)

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

3. Samples of Materials

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

Reason: To ensure the use of satisfactory materials.

4. Validation Report of Gas Mitigation Measures

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 GEO Investigate Phase 2 Intrusive Site Investigation Report (G23325) were completed before occupation of any part of the site or school building hereby approved.

Reason: To ensure the appropriate decontamination of the site in the interests of safety, local amenity and the amenities of the potential occupiers of the site.

5. Noise Assessment

The approved use shall be developed in full accordance with Noise Assessment Reference P6648-R1-V1 submitted to the Local Planning Authority as part of the application. Any deviations from the recommendations made in the report shall be submitted to the local planning authority for written approval.

Reason: To ensure a satisfactory form of development in the interests of the

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amenities of residents having regard for policies DC1, CS5 of the Local Plan and section 12 of the NPPF.

6. Sound Testing – Validation Report

Prior to the first use of the development hereby approved, validation testing of the sound attenuation works shall have been carried out and the results submitted to and approved in writing by the Local Planning Authority. Such validation testing shall be carried out in accordance with the approved noise assessment and demonstrate that the specified noise levels have been achieved.

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

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

7. External Lighting Layout

The approved use shall be developed in accordance with the External Lighting Layout, Reference OPP1310401 submitted to the Local Planning Authority. Any deviations from the layouts made in the strategy shall be submitted to the local planning authority for written approval.

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

8. Surface Water Drainage Details

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 HSP2023-C4478-CandS-FRAS1-1772 (Revision B), Dated 20 November 2023 and the development shall be completed in accordance with the approved scheme.

The design of the drainage scheme shall include, but not be limited to:

- i. The surface water discharge from the development must be limited to a Greenfield run off rate ( $Q_{bar}$  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.



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- 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 and 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. Car and Cycle Parking Laid Out

No part of the development hereby approved shall be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans,

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and thereafter such areas shall be retained solely for such purposes.

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

12. 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.

13. Travel Plan

Within 3 months of the commencement of development hereby approved a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented prior to first occupation with the development thereafter being occupied in accordance with the approved Travel Plan unless agreed otherwise in writing by the Local Planning Authority.

Reason: To promote sustainable transport measures for visitors/staff/residents having regard for policy CS4 of the Local Plan and section 9 of the NPPF.

14. Soft Landscaping

Prior to the occupation of the school hereby approved, a detailed scheme for tree planting and associated soft landscaping works based on the indicative landscaping proposals drawing and the requirements set out in the Wildlife Mitigation condition shall be submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall include details of the proposed trees to be planted, including their species, size and location. The tree planting and associated landscaping works shall take place during the first available planting season (October-March) following the completion of building works on the site. The Local Planning Authority shall be notified within two weeks of the landscape planting works.

Reason: To ensure the satisfactory implementation of an approved landscaping scheme in the interests of the visual amenities and landscape features of the area.

15. Landscape Management Plan

A landscape management plan, including management responsibilities and maintenance schedules for a minimum of five years, and including arrangements for its implementation, for all landscape areas shall be submitted to and approved in

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writing by the Local Planning Authority prior to the occupation of any part of the development for its permitted use. Thereafter, the approved landscape management plan shall be carried out as approved.

Reason: To ensure the satisfactory implementation of an approved landscaping scheme in the interests of the visual amenities and landscape features of the area.

16. Replacement 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: In the interests of the general amenities of the area and a satisfactory landscaping scheme.

17. Details of Boundary Treatments

Notwithstanding the approved plans, prior to their installation, details of all boundary treatments for the development hereby approved shall be submitted to and approved in writing by the local planning authority. Details for submission shall include the design, specification and positioning of the boundary treatments. Any approved boundary treatments shall then be implemented as part of the development hereby approved.

Reason: In the interests of the visual amenities of the local area and the character and appearance of the Green Wedge.

18. Details of Refuse Store

Prior to the first use of the development hereby approved, details of the proposed refuse store for the school shall be submitted to and approved in writing by the Local Planning Authority. The details for submission shall include the finishing materials and elevations of the refuse store based on the proposed location as shown on the approved drawings. Any approved specifications for the refuse store shall then be implemented as part of the approved development and retained in perpetuity.

Reason: To ensure an appropriate refuse store design that does not harm the visual amenities of the local area.

19. Ecology – Mitigation During Construction

The mitigation measures detailed below, and as set out in the approved Preliminary Ecological Appraisal – Final Report (Version 2) (issued 24.11.2023) by Archer Ecology, shall be implemented as part of the construction works of the development hereby approved.

- a) External lighting that may reduce bat use of the site will be avoided.
- b) All excavations should be covered at night to avoid the accidental trapping of badgers and other terrestrial mammals, such as hedgehogs. It is further advised that a check for badger setts is completed immediately prior to any ground-breaking or compaction activities.
- c) The roots and crowns of retained trees will be protected throughout the development through the provision of adequate construction exclusion zones in

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accordance with the guidance given by BS5837:2012.

- d) All works will be undertaken to a precautionary amphibian method statement.

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.

#### 20. Wildlife Mitigation

Additional mitigation measures to enhance biodiversity at the site, as set out in the approved Preliminary Ecological Appraisal – Final Report (Version 2) (issued 24.11.2023) by Archer Ecology, and others detailed below, shall be implemented prior to the first use of the development hereby approved.

- a) Installation of bird boxes within retained trees or on the new building
- b) Creation of log piles suitable for refugia for small mammals and amphibians
- c) Creation of wildflower areas within the retained grassland. Any introduced landscaping incorporates native, species-rich plants and shrubs of local provenance. Species of greatest value to pollinators, and other aerial invertebrate should be sought as this offers a greater potential food source for locally foraging bats, mammals, avifauna and herpetofauna
- d) Landscape design will seek to include hedgerow/scrub planting utilising locally native species of wildlife value.
- e) In order to avoid impacts upon nocturnal bat activity, dark and unlit corridors should be maintained around and across the site, allowing bats to pass through the site unhindered by artificial lighting. Should any artificial lighting be introduced on the site, this should be directed away from potential foraging features, including woodland, scattered trees and dense scrub established along and immediately beyond the site peripheries. Introduced lighting should be positioned at a minimum of 7m from any existing tree lines. Mercury or metal halide lamps must also be avoided. The hours of illumination could be restricted to provide a minimum of 8 hours of darkness per night. Introduced lighting should further comprise a maximum of 1 lux which is comparable to moonlight conditions.

The details of the mitigation measures shall be submitted to and approved in writing by the Local Planning Authority and retained as part of the development in perpetuity.

Reason: To enhance habitats for wildlife in accordance with the requirements and guidance of the National Planning Policy Framework.

#### 21. Site Clearance and Protection of Nesting Birds

Any works to clear the site in preparation for development (including removal of vegetation and any groundworks) should be initiated outside of the bird breeding season (March to October). If preparatory site clearance works cannot be undertaken outside of the bird breeding season, a suitable methodology for undertaking site clearance works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved methodology shall be carried out on site.

Reason: To provide adequate protection for nesting and breeding birds.

#### 22. Biodiversity Net Gain

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Prior to the commencement of the development hereby approved, a detailed ecological appraisal for the purposes of biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The appraisal shall assess the ecological value of the existing site and identify measures to secure a net measurable gain in biodiversity of at least 10% when measured against the pre-development biodiversity value of the development site. Any approved scheme for biodiversity net gain shall then be implemented prior to the first use of the development hereby approved 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 National Planning Policy Framework.

**23. Floodlighting**

No floodlighting shall be erected other than in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The details shall include a plan which identifies the location of lighting columns along with lighting levels that will be provided at the development (including light spill), and the hours of operation of the lighting in accordance with the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light 2011'. The construction and use of the floodlighting shall be carried out in accordance with the approved details.

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

**REASON FOR APPROVAL**

This application is acceptable as the proposed SEN secondary school and associated works is in full accordance with the relevant national and local planning policies.

In particular, the proposed development adheres to the principles and guidance contained within the National Planning Policy Framework and the policies regarding sustainable development, the efficient use of land, transport and accessibility, appropriate measures to mitigate flood risk, conserving and enhancing the historic environment, and it would not be detrimental to the amenities of local residents and other neighbouring uses. Although the proposed school development would be situated in a location being allocated for Green Wedge, the benefits of the proposed development for the wider community are considered to outweigh the lost part of Green Wedge.

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

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**INFORMATIVES**

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Informatives: Highways Related Matters

Works to Highway - S278

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

Informative: Drainage Related Matters

Sustainable Drainage Systems

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

Permeable Surfacing

Guidance on permeable surfacing of front gardens is available on the Communities and Local Government Website: [www.communities.gov.uk](http://www.communities.gov.uk)

Informatives: Cleveland Fire Service

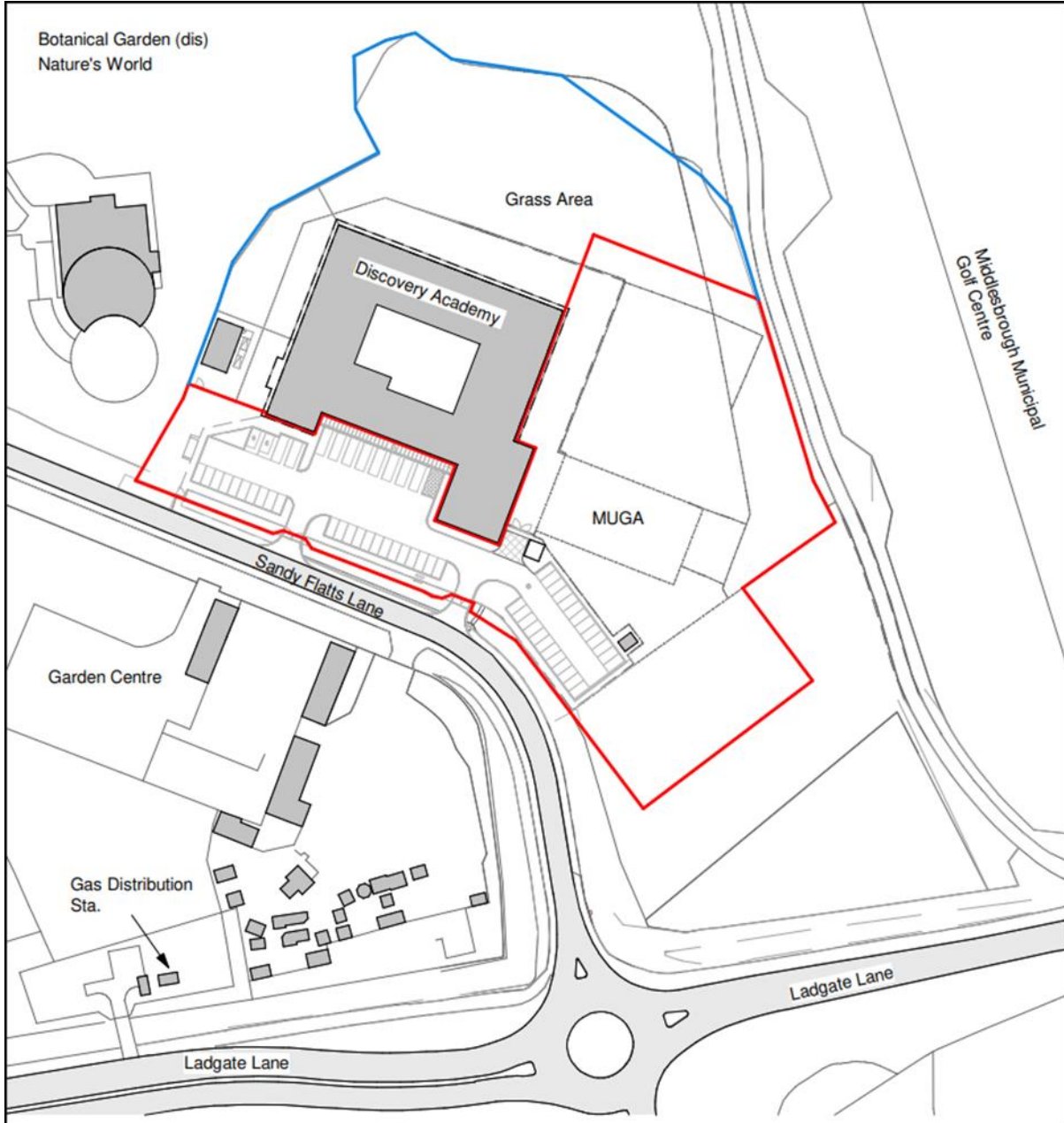
Access and Water Supplies should meet the requirements as set out in: Approved Document B Volume 2: 2019, Section B5 for buildings other than Dwellings. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2.

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

Case Officer: Peter Wilson

Committee Date: 8<sup>th</sup> February 2024

Location Plan



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## Agenda Item 5

Planning Ref Decision Date Decision

<b>22/0157/COU</b>	<b>03-Jan-2024</b>	<b>Refused</b>
Company / Surname	<b>Safraz Hussain</b>	
Proposal	<b>Conversion of Terraced House into 2 no Student Flats (Sui Generis Class)</b>	
Address	<b>82, Costa Street, Middlesbrough, TS1 4PL</b>	
<b>20/0019/FUL</b>	<b>04-Jan-2024</b>	<b>Approve with Conditions</b>
Company / Surname	<b>Mr Singh</b>	
Proposal	<b>Proposed extension to side and rear of retail unit</b>	
Address	<b>PARK END CLINIC, Overdale Road, Middlesbrough, TS3 7EA</b>	
<b>23/0607/ADV</b>	<b>04-Jan-2024</b>	<b>Approve with Conditions</b>
Company / Surname	<b>Lookers BYD</b>	
Proposal		
Address	<b>Building north of the site, Lookers BYD, Cargo Fleet Lane, Middlesbrough, TS3 8AX</b>	
<b>23/0345/COU</b>	<b>05-Jan-2024</b>	<b>Refused</b>
Company / Surname	<b>COCO &amp; RUM</b>	
Proposal	<b>PROPOSED ERECTION OF CONSERVATORY &amp; CHANGE OF USE FROM PUBLIC HOUSE TO RESTAURAN</b>	
Address	<b>200, Linthorpe Road, Middlesbrough, TS1 3RF</b>	
<b>23/0608/FUL</b>	<b>05-Jan-2024</b>	<b>Approve with Conditions</b>
Company / Surname	<b>James Bowen</b>	
Proposal	<b>single storey extension to the front to create better wc facilities and entrance</b>	
Address	<b>West Middlesbrough Scout Council, Tollesby Road, Middlesbrough</b>	
<b>23/0585/COU</b>	<b>09-Jan-2024</b>	<b>Approve with Conditions</b>
Company / Surname	<b>AAPNA SERVICES LTD</b>	
Proposal	<b>Proposed change of use from Residential dwelling to Care home</b>	
Address	<b>42, Eastbourne Road, Middlesbrough, TS5 6QW</b>	
<b>23/0650/PNH</b>	<b>10-Jan-2024</b>	<b>Prior Notification Not Required/No Obj</b>
Company / Surname	<b>TULLIUS</b>	
Proposal	<b>PROPOSED SINGLE STOREY REAR EXTENSION</b>	
Address	<b>34, Coniston Grove, Middlesbrough, TS5 7DD</b>	
<b>23/0571/FUL</b>	<b>11-Jan-2024</b>	<b>Approve with Conditions</b>
Company / Surname	<b>Gregg Elliott</b>	
Proposal	<b>PROPOSED SINGLE STOREY SIDE EXTENSION AND DORMER EXTENSION TO REAR, INCLUDING DE</b>	
Address	<b>38, Grange Crescent, Middlesbrough, TS7 8EE</b>	
<b>23/0612/PNO</b>	<b>11-Jan-2024</b>	<b>Prior Notification Not Required/No Obj</b>
Company / Surname	<b>Thirteen Housing Group</b>	
Proposal	<b>Demolition of 17-storey high-rise block comprising 132 flats</b>	
Address	<b>Fleet House, Cargo Fleet Lane, Middlesbrough</b>	
<b>23/0613/PNO</b>	<b>11-Jan-2024</b>	<b>Prior Notification Not Required/No Obj</b>
Company / Surname	<b>Thirteen Housing Group</b>	
Proposal	<b>Demolition of 17-storey high-rise block comprising 132 flats</b>	
Address	<b>11, Thorntree House, Cargo Fleet Lane, Middlesbrough, TS3 9QA</b>	
<b>23/0601/FUL</b>	<b>12-Jan-2024</b>	<b>Refused</b>
Company / Surname	<b>Mr Mohammed Siddique</b>	
Proposal	<b>First floor extension to side</b>	
Address	<b>234, Acklam Road, Middlesbrough, TS5 8AA</b>	
<b>23/0620/ADV</b>	<b>12-Jan-2024</b>	<b>Approve with Conditions</b>
Company / Surname	<b>FRESCA RESTAURANT</b>	
Proposal	<b>Shop Frontage Sign</b>	
Address	<b>2, Southfield Road, Middlesbrough, TS1 3BZ</b>	
<b>23/0592/FUL</b>	<b>15-Jan-2024</b>	<b>Approve with Conditions</b>
Company / Surname	<b>Mr Bradley Johnson</b>	
Proposal	<b>Erection of a detached double garage to rear</b>	
Address	<b>26, Southwood, Middlesbrough, TS8 0UE</b>	
<b>23/0609/FUL</b>	<b>16-Jan-2024</b>	<b>Refused</b>
Company / Surname	<b>Farzana Kousar</b>	
Proposal	<b>PROPOSED PART SINGLE STOREY, PART FIRST STOREY, PART TWO STOREY REAR EXTENSION,</b>	
Address	<b>60, Crescent Road, Middlesbrough</b>	
<b>24/0022/TCA</b>	<b>16-Jan-2024</b>	<b>No Objections</b>
Company / Surname	<b>Ms Wild</b>	
Proposal	<b>Intended Felling of a Tree</b>	
Address	<b>St Peter and Paul's Church, Stainton, Middlesbrough</b>	
<b>23/0244/FUL</b>	<b>18-Jan-2024</b>	<b>Approve with Conditions</b>
Company / Surname	<b>Ahmed</b>	
Proposal	<b>Erection of 1no 3 bed detached dwellinghouse</b>	
Address	<b>Land, 2-4 Springfield Road, Middlesbrough, TS5 4LG</b>	
<b>23/0623/ADV</b>	<b>18-Jan-2024</b>	<b>Approve with Conditions</b>

Company / Surname	Well Pharmacy	
Proposal	1no internally illuminated fascia & 2no non illuminated fascia's. 1no internally	
Address	397, Linthorpe Road, Middlesbrough, TS5 6AE	
<b>22/0624/MAJ</b>	19-Jan-2024	Refused
Company / Surname	Landage Group (Longlands Rd) Ltd	
Proposal	Erection of four-storey residential development to provide student accommodation	
Address	2, Site of former National Probation Service, Longlands Road, Middlesbrough, TS4 2JL	
<b>23/0600/FUL</b>	19-Jan-2024	Approve with Conditions
Company / Surname	Mrs Jacqui Gedney	
Proposal	Single storey extension to rear (Demolition of existing	
Address	5, Glebe Gardens, Middlesbrough, TS8 9TD	
<b>23/0602/FUL</b>	19-Jan-2024	Approve with Conditions
Company / Surname	c/o Agent	
Proposal	Full planning application to upgrade and replace existing lighting scheme.	
Address	Block A and Block C, Teesside Leisure Park, Stockton-on-Tees, TS17 7BW	
<b>23/0605/FUL</b>	19-Jan-2024	Approve with Conditions
Company / Surname	Said Rafiq	
Proposal	Single storey extension to gable	
Address	21, Weatherhead Avenue, Middlesbrough, TS5 4JX	
<b>23/0624/FUL</b>	19-Jan-2024	Approve with Conditions
Company / Surname	Ms Natasha Rock	
Proposal	Single storey extension to side and rear	
Address	9, Matfen Avenue, Middlesbrough, TS7 0EQ	
<b>23/0628/FUL</b>	19-Jan-2024	Approve with Conditions
Company / Surname	COWLEY	
Proposal	PROPOSED BALCONY TO REAR	
Address	26, High Gill Road, Middlesbrough, TS7 0DZ	
<b>22/0107/OUT</b>	22-Jan-2024	Refused
Company / Surname	Acklam Developments Ltd	
Proposal	Outline application for 51no houses on former Acklam Iron And Steel Works Athlet	
Address	ACKLAM IRON AND , ACKLAM IRON AND STEEL WORKS ATHLETIC CLUB, Park Road South, Middlesbrough, TS4 2RD	
<b>22/0559/COU</b>	22-Jan-2024	Approve with Conditions
Company / Surname	c/o sjd Architects Ltd	
Proposal	change of use from one four bed self contained flat (first and second floors onl	
Address	371, Linthorpe Road, Middlesbrough, TS5 6AB	
<b>23/0615/FUL</b>	22-Jan-2024	Approve with Conditions
Company / Surname	Joseph Garrens	
Proposal	Conversion of existing double garage to open plan living space with kitchen	
Address	22, Bedford Road, Middlesbrough	
<b>23/0647/FUL</b>	22-Jan-2024	Approve with Conditions
Company / Surname	TRIMBLE	
Proposal	4 REPLACEMENT TIMBER WINDOWS TO PROPERTY	
Address	11, BELGRAVIA GARDENS, The Avenue, Middlesbrough, TS5 6NZ	
<b>23/0636/VAR</b>	23-Jan-2024	Approve with Conditions
Company / Surname	KARAK CHAI	
Proposal	Division of unit into 2no. retail units	
Address	248, UNIT 4, UNIT 4, LINTHORPE ROAD, MIDDLESBOROUGH, TS1 4AT	
<b>23/0638/FUL</b>	23-Jan-2024	Approve with Conditions
Company / Surname	HAIGH	
Proposal	PROPOSED FIRST STOREY REAR EXTENSION	
Address	16, Cookgate, Middlesbrough, TS7 0LP	
<b>23/0627/RCON</b>	25-Jan-2024	No Objections
Company / Surname	Redcar & Cleveland Borough Council	
Proposal	OUTLINE PLANNING PERMISSION, WITH ALL MATTERS RESERVED, FOR DEVELOPMENT COMPRISI	
Address	LAND NORTH OF A1053/ TRUNK ROAD ROUNDABOUT AND SOUTH OF FORMER LACKENBY STEELWORKS	
<b>23/0669/PNH</b>	25-Jan-2024	Prior Notification Not Required/No Obj
Company / Surname	Mansour	
Proposal	Revised application for a Proposed rear single storey extension and minor altera	
Address	99, York Road, Middlesbrough, TS5 6LJ	
<b>22/0789/FUL</b>	26-Jan-2024	Refused
Company / Surname	c/o: Agent	
Proposal	2 No. proposed light industrial units on former scaffolding site.	
Address	Thompsons Yard, South Bank Road, Middlesbrough, TS3 8RQ	
<b>23/0640/CLD</b>	26-Jan-2024	Refused
Company / Surname	C RAE	
Proposal	Certificate of lawfulness development to replace rear flat of dormer window	
Address	35, Worsley Crescent, Middlesbrough	
<b>23/0642/FUL</b>	26-Jan-2024	Approve with Conditions
Company / Surname	Mr Mohammed Zahid Bashir	

Proposal Address **Single storey extension to rear (Demolition of existing offshoot)**  
**15, Devonshire Road, Middlesbrough, TS5 6DJ**

**23/0653/FUL** 26-Jan-2024 Approve with Conditions  
Company / Surname **THOMAS**  
Proposal **FIRST FLOOR SIDE EXTENSION WITH GARAGE CONVERSION TO STUDY/STORE AND EXTERNAL OP**  
Address **55, Coulby Manor Farm, Middlesbrough, TS8 0RY**

Total Decisions **35** Total Approvals **27** Total Refusals **8**

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