

PLANNING AND DEVELOPMENT COMMITTEE

<p>Date: Thursday 11th April, 2024 Time: 1.30 pm Venue: Mandela Room</p>

AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes - Planning and Development Committee - 7 March 2024 3 - 8
4. Schedule of Remaining Planning Applications to be Considered by Committee 9 - 80
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 - Item 3 – 4 Hall Drive, TS5 7EN – Page 45
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5. Applications Approved by the Head of Planning 81 - 82
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

MEMBERSHIP

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

Assistance in accessing information

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

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on Thursday 7 March 2024.

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

ALSO IN ATTENDANCE: L Salvati, J Duncan

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

APOLOGIES FOR ABSENCE: Councillors J Ewan

23/32 **DECLARATIONS OF INTEREST**

Name of Councillor	Type of Interest	Item/Nature of Interest
Councillor M McClintock	Non-Pecuniary	Agenda Item 4, Item 1, Ward Councillor
Councillor J Platt	Non-Pecuniary	Agenda Item 4, Item 2 & 3, Ward Councillor
Councillor M Nugent	Non-Pecuniary	Agenda Item 4, Item 2, Relative works in school

23/33 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 8 FEBRUARY 2024**

The minutes of the meeting of the Planning and Development Committee held on 8 February 2024 were submitted and approved as a correct record.

23/34 **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, a single storey extension to the existing school building to create 2 new classrooms with associated external works in the existing car park

Members were advised that the application was an update on the original planning application that was placed before Committee on the 11th January 2024. The application proposed for the extension to Chandlers Ridge Primary School was previously placed with a recommendation to approve subject to conditions. The Planning Committee considered the proposals, along with concerns raised by objectors in attendance.

At the 11 January Committee members sought to defer the application to allow the school to explore further parking provision within the school grounds and to detail options in relation to the travel plan. A request was also made from members that a representative from the school / schools agent, attend the meeting to answer queries from members.

Members were advised that the applicant had reviewed the parking arrangements at the school and had increased the proposed provision of car park spaces to 30 which was a higher requirement than the Tees Valley Highways Guide recommends.

Members heard that the travel plan had not been able to be detailed currently, however, officers had been advised that this would be produced in line with conditional requirements should it be approved.

The Development Control Manager updated committee with comments received since the previous committee from a local resident.

A member queried details of the intended travel plan and the Councils Transport Officer responded setting out typical interventions that are normally included within a travel plan where the school will work with council officers to reduce vehicular travel.

A member queried whether there had been any additional responses or complaints from the properties which back onto the proposed extended car park area and was advised by the Development Control Manager that there had been no additional comments from those residents.

ORDERED: that the application be approved subject to conditions

23/0631/MAJ, Discovery Special Academy, Sandy Flatts Lane, Erection of single storey Secondary School building (class F1) with associated works including landscaping, fencing and extension to parking area

*** Councillor Mary Nugent recused herself from the Committee for consideration of the item***

Members were advised that planning permission was 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 was 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 was, therefore, considered to have an established educational use.

The application had previously been heard at Committee on 8 February 2024, Members had asked for the application to be deferred and requested that a representative from the school attend to answer queries regarding parking and clarity on how the school is operating in terms of the impact on traffic and access to the school site by vehicles.

The Head of Planning advised that a swept path analysis had been undertaken and the road was wide enough to accommodate larger vehicles such as refuse trucks, there was enough space for 2 minibuses to pass each other safely on the road so the width of the road was not considered to be an issue.

Members heard that 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 were considered to outweigh the lost part of Green Wedge.

A representative from Discovery Special Academy was in attendance and spoke in support of the application. The following points were raised by the representative:

- Traffic and parking is carefully managed
- There is an entrance in and an exit out of the school
- Dedicated staff manage traffic in and out of the school
- Traffic flow is managed

- School gates are open during pick up and drop off times
- Vehicles are not left sitting on the road
- Vehicles who are parked on the highway are monitored and asked to move into a car parking space
- There are vehicles that are not related to the school that park on the highway for example dog walkers as it is a public highway
- Looking at how staff travel – encouraging them to use public transport or car share
- Travel plan is reviewed and updated annually
- Pedestrian access is marshalled and parents are encouraged to use the car park

A Member queried if the school uses large buses it was advised that a large bus had been used once to transport children to a pantomime, the school had its own minibuses that are used for transporting children to activities outside of the school grounds.

A Member queried where cars would park during the construction phase if the application was approved the representative advised that the local garden centre had offered the use of some of their car parking spaces and the mugga could also be used within the existing school grounds.

A resident spoke in objection to the application, prior to speaking the objector asked if he could hand out photographs to the committee members this was agreed by the Chair. The following objections were then raised:

- Proposed land for initial school there was a condition that the land would be left green and planted
- Use of transport told no coaches would access site, coaches have been on site with over 25 seats
- Overspill of parking internally in car park
- Outside of school reckless parking
- 62 cars noted on one day
- Road is not wide enough to take vehicles, road needs widening to 6.7 meters
- Dangerous pot holes
- Design of road was to take only 300 vehicles per day
- High volume of traffic had worn the roads
- Pot holes in the road every 6 months having to be realigned compared to every 18 months

The Chair asked the objector if he had any further comments to committee to which the objector confirmed he hadn't.

Officers came back to members on a number of points raised to clarify material planning considerations and responded to members queries in relation to the matter of the site being within the Green Wedge.

ORDERED: that the application be approved subject to conditions

23/0661/FUL, 4, Hall Drive, Middlesbrough, TS5 7EN, Retrospective extensions and alterations to garage to side to create residential annex

Members were advised that planning permission was originally granted in September 2020 to convert and extend the existing attached side garage to form a residential annex. Post commencement, however, the attention of the Council was brought to unauthorised works, which included the construction of three dormer windows fronting Hall Drive (instead of the approved one dormer), a flat-roofed box-like rear

dormer (instead of the approved one small dormer), and a single storey extension to the rear of the annex with flat roof and parapet detail.

Members heard that an application was subsequently submitted seeking to regularise the unauthorised works which was refused, then dismissed at appeal. Although the Inspector dismissed the appeal, the Inspector found no harm from the three dormers fronting Hall Drive, the appearance of the front elevation facing Hall Drive, or the single storey extension and its flat roof.

Members were advised that the main reason for the appeal being dismissed was the box-like rear dormer, although the Inspector noted that a catslide roof on this dormer – to match the large catslide roofed dormer that covered most of the rear roof plane of the original dwelling – would not be unduly harmful. The current application sought approval for the works which the Inspector had identified not to be harmful.

Members heard that three letters of objection had been received. The objections were as follows:

- The application has already been denied.
- No changes had been made and the building work is not legal.
- The originally approved two bedroom annex had now become a separate three bedroom property with a much larger footprint.
- The conservatory walls are intrusive as are the lights on the rear of the building due to the proximity to our [neighbour at No. 6] reception room.
- Loss of amenity, being overlooked, infringement of privacy, negative impact on the use of our garden and rear reception room.
- There are no interconnecting door between the property and the annex which makes it a separate dwelling, despite plans showing it is an annexe.
- This new application now creates a separate three bedroom property, which will overlook the main dwelling house and could be rented out or even sold separately in the future.
- The amended plans have not made any changes to the original issues and so the building is still not in keeping with neighbouring architecture. It negatively impacts the street scene.
- The application still does not meet the Urban Design SDP, in respect of the dormer windows.
- This revised application does not address the concerns of the Planning Inspector.
- The original application back in 2016 had an internal link to the existing property. This has now disappeared. If approved this application could be considered a separate dwelling and not an annex and represents what was refused under M/FP/0457/14/P.

A Member queried whether an annex needed to be interconnecting, it was advised that there was no longer a requirement for an annex to have a shared space.

A Member raised the negative impact the annex was having on neighbouring properties including loss of light, disappearance of the internal link and the 3 dormer windows that had been installed instead of 1 which had been agreed in the original application.

Members motioned for decisions and took votes although none were sufficient to result in the applications determination.

Members were reminded that the Planning Inspector found no harm from the three dormers fronting Hall Drive, the appearance of the front elevation facing Hall Drive, or the single storey extension and its flat roof. Members were advised that if the application were to be refused that the applicant would likely appeal the decision and

win the appeal which could result in costs being awarded against Middlesbrough Council.

Following discussions Members felt that it would be beneficial to undertake a site visit before making a decision on the application.

ORDERED: that the application be deferred to a future meeting of the Planning and Development Committee so that a site visit can be undertaken.

23/35 **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

23/36 **PLANNING APPEALS**

None

23/37 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

None

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Agenda Item 4

Planning & Development Committee Schedule - 11-Apr-2024

Town Planning applications which require special consideration

1	Reference No: 20/0658/FUL Ward: Nunthorpe	Applicant: Mr Ben Stephenson Agent:	Description: Erection of 69 no. residential dwellings with associated access, landscaping and infrastructure Location: Nunthorpe Grange, Nunthorpe, Middlesbrough
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2	Reference No: 23/0390/OUT Ward: Stainton And Thornton	Applicant: Mr Peter Brewer Agent: Design Services	Description: Outline application for 130-150 residential dwellings and nutrient mitigation scheme Location: Land at Hemlington Grange South, Middlesbrough
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3	Reference No: 23/0661/FUL Ward: Kader	Applicant: A Ghafoor Agent:	Description: Retrospective extensions and alterations to garage to side to create residential annex Location: 4, Hall Drive, Middlesbrough, TS5 7EN
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4	Reference No: 23/0666/FUL Ward: Coulby Newham	Applicant: Mr James Harker-Mason	Description: Two storey extension to side, part single storey extension to rear side
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		Agent: Adapt Architectural Solutions Ltd	and single storey extension to side, two storey bay extension to the front, including alterations to windows Location: 30, Woodvale, Middlesbrough, TS8 0SH
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APPLICATION DETAILS

Application No:	20/0658/FUL
Location:	Nunthorpe Grange, Nunthorpe, Middlesbrough
Proposal:	Erection of 69 no. residential dwellings with associated access, landscaping and infrastructure
Applicant:	Persimmon Homes
Ward:	Nunthorpe
Recommendation:	Refuse

UPDATE SUMMARY

Permission is sought for the erection of 69 dwellings with associated access, landscaping and infrastructure on land at Nunthorpe Grange to the north west of the A11043 (Nunthorpe Bypass). The site is part of the wider Nunthorpe Grange site.

Following a consultation exercise objections were received from 33 properties, the Community Council, 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 density, design, housetypes and layout are sympathetic to the local character of the surrounding area and are in accordance with the adopted Design Code. 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.

However, it is considered that the development of this site in isolation does not give priority first to pedestrian and cycle movements. It fails to provide a suitable, safe and attractive pedestrian and cycle link to existing residential estates and infrastructure. The proposed link is long, convoluted, lacks natural surveillance and is considered to be unsafe. It does not promote and provide an attractive sustainable travel option for residents as an alternative to private car journeys. The proposed development therefore fails to deliver alternative travel options which are sought in the NPPF paragraphs 114 and 116, and the Local Plan policy CS4.

The recommendation is for refusal of the application.

CONSULTATION AND PUBLICITY RESPONSES

This is an addendum report following the deferral of the application by Committee previously. The consultee responses detailed below relate only to the reasons the application was deferred.

Summary of Resident Comments – 18 Nunthorpe Gardens

- Truly believe I have an undeniable case and the proposal for plot 46 is unfair;
- Large overbearing resulting in overshadowing to property and garden
- Loss of amenity
- Use of BRE rules 25 degrees and 43 degrees confirm overbearing impacts and loss of amenity
- I have a legal right to light, if MBC approve the building on plot 46 it has knowingly approved an outcome which is unlawful
- MBC planning don't use BRE good practice guidelines while other authorities do. The department operates without a clearly defined policy which protects residents from overbearing buildings (and don't consider conservatories to be habitable rooms when they are used as such). The approach therefore unfairly favours developers at the expense of local residents
- Other issues on the 'sensitive boundary' put to Paul Clarke that remain unanswered
- Land raised by approximately 400mm. Change will cause surface water rainfall runoff to flood my land

Highways - MBC

I have assessed the supporting information supplied by the applicants and after consideration do not consider that we can support the alternate route. Given this position it is the view of the Highway Authority that the application be refused.

PLANNING CONSIDERATION AND ASSESSMENT

Background

1. This application was considered at Committee on the 16th December 2022. It was deferred for two reasons. Firstly to allow the developer time to discuss the application with residents at Nunthorpe Gardens particularly in relation to the impact of one plot on the immediate property 18 Nunthorpe Gardens. Secondly, to provide more detailed information on the legal rights of access for future residents of the development to a pedestrian and cycle link connecting to Nunthorpe Gardens providing a sustainable link to existing infrastructure and services.
2. Changes have been made to the layout since the application was deferred. The majority of the changes do not materially alter the analysis of the application set out in the previous report. It is not intended to revisit all other matters which were set out in the previous report. This report will consider the proposed development in relation to the two reasons the application was deferred.

Impact of Plot 46 on 18 Nunthorpe Gardens

3. Following the deferral of the application at the previous committee the developer discussed the development with the resident of 18 Nunthorpe Gardens specifically in relation to plot 46. Subsequently, changes were made to the proposed development repositioning the dwelling on plot 46 to reduce its impact on 18 Nunthorpe Gardens and views from the highway at Nunthorpe Gardens.

4. The resident at 18 Nunthorpe Gardens continues to raise objections in relation to the impact from plot 46, particularly in relation to what they consider to be an overbearing impact resulting in loss of light and overshadowing of their property.
5. The separation distance between the proposed dwelling closest to 18 Nunthorpe Gardens is in excess of 9m (from the properties original side elevation) and approx.. 4.5m from the conservatory wall which is located on the side elevation of no. 18. These separation distances are in keeping with the distances between existing properties on Nunthorpe Gardens.
6. In raising concerns, the resident referred to a number of tools which can be used to assess the impact of a development on existing properties in relation to light and overshadowing, however, Middlesbrough Council acting as Local Planning Authority cannot use another authorities policies or standards to determine applications.
7. The impact associated with the proposed property layout and the presence of the conservatory on the side of no. 18 Nunthorpe Gardens has been assessed by the case officer and it is considered that whilst there is an impact on light associated with the conservatory and as a result of anticipated visual presence of the proposed dwelling, these impacts would not be so significant as to warrant refusal of the application. There is no impact on any primary windows located at the front and rear of no. 18 Nunthorpe Gardens as a result of distance, outlook and orientation and so the impact would be on the conservatory. This is a structure that has windows in 3 elevations and has for some time had the benefit of no development adjacent to it. Whilst the presence of the proposed dwelling will be very notable from the adjacent properties conservatory as a result of the extent of glazing, it is considered that the light levels would not become so limited as to warrant refusal of the application, taking into account the spacing between properties and the orientation of gaps to the east and west. The conservatory would still gain sunlight to some extent during the morning and during the afternoon / evening and whilst this will be less so during the winter months when the sun is low in the sky, the overall level of light is considered would be adequate. It is the LPA's duty to consider the impact on amenity as a general provision and in addition to this, there are legal rights to light although these are a civil matter which fall outside planning legislation.
8. In relation to this development the LPA are satisfied that the impact of the application on 18 Nunthorpe Garden has been appropriately assessed, and whilst there is an impact on the side of the property, it is not so significant as to warrant the refusal of the application.
9. Ground levels on the site will be raised, the raise is not significant and if the application is approved full details of a suitable drainage scheme will be required by condition. The drainage scheme will ensure that surface water runoff is effectively managed and controlled to prevent increased risk of flooding on neighbouring properties.
10. It must be noted that, in considering the previous application relative to this site with a similar layout in this part of the site, the Planning Inspector did not raise any issues with the impact of the proposed development on the amenities of existing properties. Whilst the appeal was dismissed the impact on existing residents was not a reason for the dismissal. There have been no local or national policy and guidance changes since the previous appeal decision that would result in a change of the view in relation to the impact on the existing residents amenities.

11. It is considered that the proposed development is in accordance with the requirements of policy DC1 in relation to the amenities of existing and future residents.

Pedestrian/Cycle Link to Nunthorpe Gardens

12. Following receipt of numerous documents and information from the developer. It has been concluded that the developer cannot secure a legal right of access over a piece of land located immediately adjacent to the site between the boundary of the site and the adopted highway on Nunthorpe Gardens. As a result they cannot provide a formal pedestrian/cycle route through Nunthorpe Gardens.
13. The applicant has stated that they can provide the infrastructure to the boundary of their site and can remove the boundary fence/gate which will afford people a connection, albeit over a small bit of land that they do not control. The LPA are concerned that without securing a legal right of access over this land, the owner of the land could erect a fence to prevent access to it at any point.
14. As a result the applicant was advised that they would need to secure an alternative connection to existing infrastructure and services to ensure the site is sustainable and promotes access by means other than cars.
15. Lengthy discussions were held with regards to alternative routes. Initially the developer proposed providing a route through the wider allocated site to the west which could connect to Guisborough Road and/or Stokesley Road. However, this would result in a link through open fields with no natural surveillance that would not be a particularly attractive route to walk and could not be considered a safe route to schools. It could also impact on the future development of the site. As a result this route was not considered to be acceptable.
16. The developer has since submitted information which proposes a link out of the site onto the A1043. The alternate route promoted by the applicants involves the creation of a streetlit 2m footway heading Eastwards alongside the A1043 between the site access and an existing public footpath (PROW) located over the railway bridge on the Redcar & Cleveland side of the authority boundary. This footpath then leads Northwards to Morton Carr Lane which provides a connection to Guisborough Road and various facilities located there including shops, schools and the rail station.
17. The Highways Authority have been consulted on the revised details and have confirmed that they are not able to support the alternate route. Officers do not consider that the alternate route nor assessment of this route and supporting evidence is sufficient to address the concerns raised over the lack of a connection into Nunthorpe Gardens for the following reasons;

Distance 1.7km vs 850m.

18. Based upon national guidance the distance taken by the alternative route is at least to the upper end of what could be assessed as reasonable. It must be remembered that discussions surrounding distance are purely based upon that in isolation i.e what do statistics demonstrate how far people in general are prepared to walk/cycle. This does not take into account other factors such as safety, attractiveness, legibility etc which could further reduce the maximum distance that they would be prepared to travel by foot/cycle.

Time 21min vs 11min.

19. Using the walking speed provided by the applicant (4.8km per hour) the time taken to walk this route is significantly greater than (just under double) the route via Nunthorpe Gardens and this then has to be assessed against the convenience in taking the car. If residents chose to drive to local facilities/schools it would take in the region of 2-3minutes and is a distance of 2km. It is worth noting that the distance by car is only 300m longer than the alternate walking route proposed. Travelling by car is therefore much quicker and more convenient for residents.

Legibility

20. The alternate route involves residents having to follow a route which is not intuitive and often heads away from the intended destination. Whilst it is acknowledged that over time familiarity will be built up this is dependent on residents not being dissuaded from using the route in the first place owing to the disjointed nature plus also taking into account other negative factors as set out. If the route were progressed it would be heavily reliant on signage to direct people along the route.

Attractiveness/Safety

21. As described earlier the proposed alternate route is to provide a lit 2m width footway alongside the A1043. No speed limit changes are proposed along the full section and as such pedestrians will be walking alongside consistently high volumes of traffic, travelling at speed. The A1043 is A classified and a main arterial route linking Middlesbrough's highway network to Redcar & Cleveland's whilst providing wider connections further afield. This primary function geared towards the movement of traffic can be seen in the design/layout of infrastructure and lack of pedestrian/cycle infrastructure. Pedestrians and cyclists will be largely alien to motorists in this type of environment. The limited footway width will place pedestrians close to the carriageway edge with no protection from traffic and associated issues such as road spray in inclement conditions. These matters coupled with the speed and volume of traffic will make the route a hostile and unattractive environment for pedestrians.
22. Without a detailed topographical survey it is difficult to establish the width of the alternate route which could be delivered, however the route is bounded by carriageway and adjacent hedgerows/embankment. Just over the railway there are traffic signs and a Redcar & Cleveland boundary sign. Such signage is placed within the highway and given the limitations described it is possible that these signs cannot be relocated. Both of these limiting factors mean that the provision of a suitable width route along the full length is doubtful further diminishing the suitability of the route.
23. Once away from the A1043 the PROW (Morton Carr Lane) would take users along a heavily vegetated, unlit route with no natural surveillance. Whilst this route may be considered suitable for leisure purposes it is not considered that such a route would prove attractive to use on a regular basis as a means to access schools, shops etc. The nature of the route, particularly during winter months is unlikely to feel safe for users including those walking alone or taking children to school.

Other points to consider

24. Distances quoted on the submitted plans make reference to the distance from the centre of the site to the edge of the Nunthorpe built up area to compare the routes. Whilst using such an approach would reduce the distance for both routes its implications become more pronounced when assessing the alternative route as it brings the actual distance to the facilities down from 1.7km to the 1.14km quoted on plans. This is considered misleading as people's journeys would not simply terminate on the edge of a built up area. The accessibility of the site is based upon distance

and routes to day to day services likely to be used/needed by residents and as such the distance should be based upon door to door.

25. Much comment has been made by the applicants with regards to maximum travel distances by foot and cycle, with cycle obviously having a greater travel distance to access day to day facilities. Assessing cycle distances brings a greater range of destinations into suitable travel distances for residents. However, the route being proposed is clearly designed and being provided as a 2m footway. This width and facility is not suitable for use by cyclists and would not cater for them. The promotion of cyclists using this route is contrary to all guidance (including LTN 1/20), is unsuitable and introduces additional conflict between pedestrians and cyclists. The reality is that such a facility simply encourages/requires cyclists to ride on a footway. In addition the status of Morton Carr Lane is footpath and as such is not designed/permitted for cyclists.
26. Masterplan/Allocation
It is accepted that site in question forms part of a wider allocation and whilst development should be in accordance with masterplan principles each site should also work in isolation. There is no certainty over the delivery of housing on the wider allocation other than it is a Local Plan allocation. No planning consents have been approved for housing and the timescales for any such consents are uncertain. As such the application site could exist for an undetermined period of time in isolation. It is likely that a suitable alternative pedestrian and cycle connection can be provided through the wider allocated site on land to the west when development on that site is forthcoming and the link would be incorporated into a suitable scheme so that it is lit, safe and attractive for the users.
27. The delivery of the alternate route falls outside of the Middlesbrough Highway Authority boundary and as such approval from Redcar & Cleveland's highways teams would need to be secured in addition to that of our teams.
28. It is for these reasons that the alternate route is not considered suitable. In the absence of the Nunthorpe Gardens link or a suitable alternative residents of the development would be reliant on the private car to access those services likely to be needed on a day to day basis (shops, schools, public transport). This is contrary to local planning policy CS4 and national transportation and planning policy and guidance in the NPPF.
29. A recent appeal decision for a retail development at Land at Low Lane, APP/W0734/W/22/3313867, considered the sustainability of the site and the promotion of non-car visits. In making their decision the Inspector was very clear that there is a difference between safety and attractiveness in relation to foot and cycle links. A route may be proven to be safe, but it does not mean the route is an attractive proposition to persons. In this instance the Highway Authority have raised concerns about the safety of the route which runs along the fast and busy A1043. It then runs along an unlit, enclosed route with no natural surveillance. This route is not considered to be an attractive offer to pedestrians or cyclists. A road safety audit has not been submitted in this instance, and whilst one may ultimately result in a route being considered to be safe from a highways perspective. It would not remove the issues from a secured by design perspective.
30. As a result it is considered that the development would be substantially more likely to result in residents opting for car borne journeys to local facilities including schools. They would not be encouraged to walk or cycle. The proposed development

therefore fails to deliver alternative travel options which are sought in the NPPF paragraphs 114 and 116, and the Local Plan policy CS4.

Conclusion

31. It is considered that the development of this site in isolation does not give priority first to pedestrian and cycle movements. It fails to provide a suitable, safe and attractive pedestrian and cycle link to existing residential estates and infrastructure. The proposed link is long, convoluted, lacks natural surveillance and is considered to be unsafe. It does not promote and provide an attractive sustainable travel option for residents as an alternative to private car journeys.

RECOMMENDATIONS AND CONDITIONS

Refuse for the following reason

- 1. Fails to Provide and Promote Sustainable Travel Options**

In the absence of the Nunthorpe Gardens link or a suitable alternative the development does not provide an attractive sustainable travel option for residents as an alternative to private car journeys. The development fails to give priority first to pedestrian and cycle movements. It does not promote sustainable travel and residents of the development would be reliant on the private car to access those services likely to be needed on a day to day basis (shops, schools, public transport). This is contrary to local planning policy CS4 and national transportation and planning policy and guidance in the NPPF paragraphs 114 and 116.

INFORMATIVES

N/A

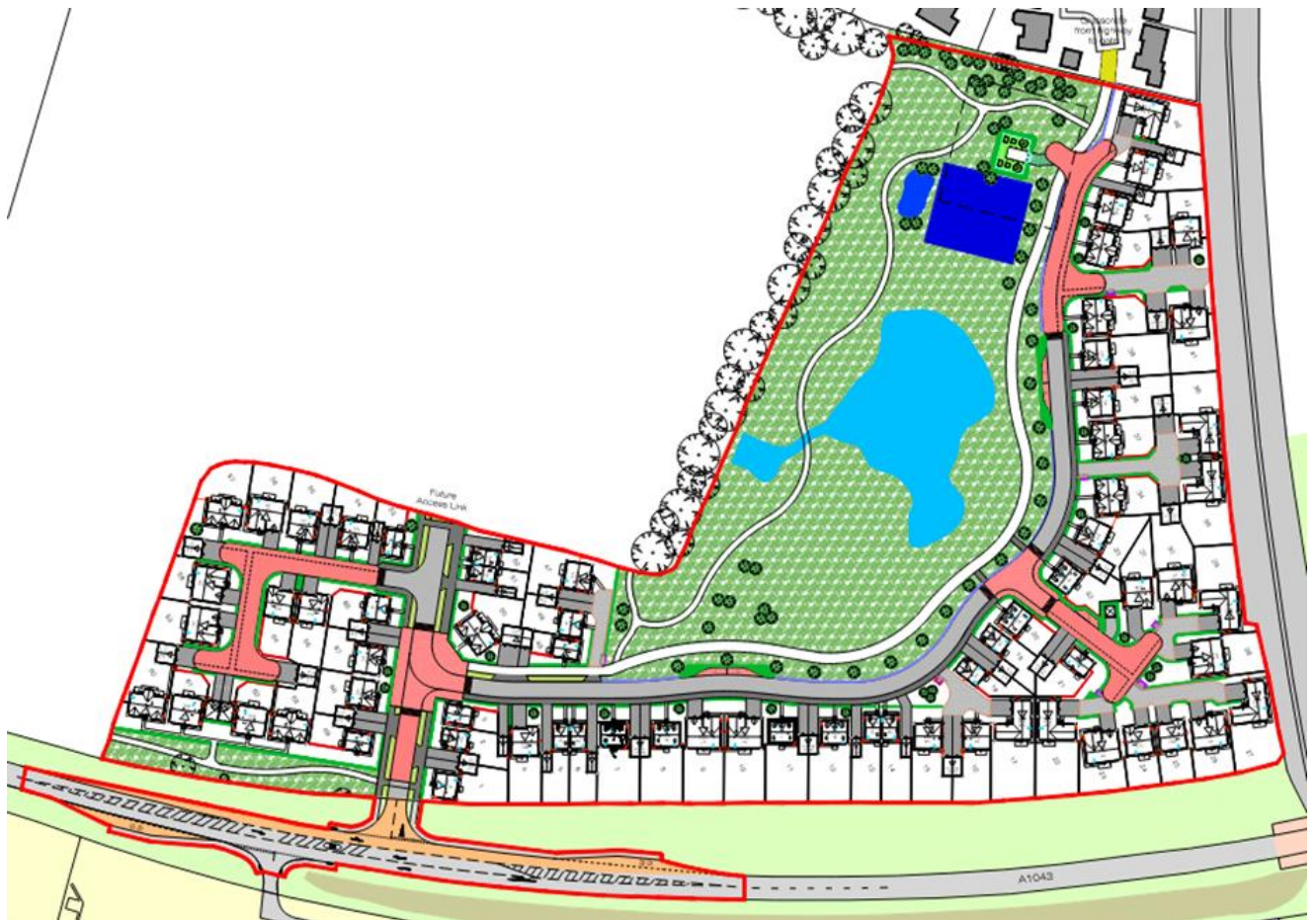
Case Officer: Shelly Pearman

Committee Date:

Location Plan



Proposed Layout



Proposed Pedestrian/Cycle Connection



Aerial CGI



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APPLICATION DETAILS

Application No:	23/0390/OUT
Location:	Land at Hemlington Grange South, Middlesbrough
Proposal:	Outline application for 130-150 residential dwellings and nutrient mitigation scheme
Applicant:	MBC Regeneration
Agent:	MBC Design Services
Recommendation:	Approve Conditionally
Ward:	Stainton and Thornton
Recommendation:	Approve Conditionally

SUMMARY

Outline planning permission is sought for the construction of 130-150 dwellinghouses on land referred to as Hemlington Grange South. As it is an outline application with all matters reserved, the following report only relates to the principle of the development on the site. The detailed matters – access, appearance, landscaping, layout and scale – will be considered as part of any reserved matters application.

The proposed outline application for the development of the site with all matters reserved has been considered in relation to relevant local and national planning policies. The site is allocated within the Local Plan and on the Proposals Map for residential development as part of the wider Hemlington Grange development.

In principle, the use of the site for residential development is deemed to be acceptable and in line with the Local Plan. The report assesses the matters of the likely transport implications, the impacts on ecology, the flooding and drainage impacts, as well as the environmental health impacts, and concludes that there would be no significant harmful impacts in principle.

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

SITE AND SURROUNDINGS AND PROPOSED WORKS

This application seeks outline planning permission (all matters reserved) for 130-150 dwellinghouses on land known as Hemlington Grange South.

The application site is an irregular parcel of land, 5.8 hectares in size, that forms part of the wider Hemlington Grange site. To the east of the site is the B1365 and to the south is the Larchfield Community centre. To the north of the site is a tree belt that separates the site from residential properties on Ramblers Way, Austin Drive and Wolseley Way, which form part of the wider Hemlington Grange site.

Being outline with all matters reserved, no detailed drawings have been provided as part of the application for officer consideration. It is only the principle of the proposed residential development that is under consideration.

The application has been supported by a raft of documents, including:

- Habitats Regulations Assessment
- Flood Risk Assessment and Drainage Strategy
- Noise Assessment
- Air Quality Screening Assessment
- Desk Study Report
- Phase 1 Study Report
- Phase 2 Ground Investigation Report
- Transport Statement
- Ecological Appraisal
- Ecological Impact Assessment
- Breeding Bird Survey
- Great Crested Newt Survey

During the application, information pertaining to nutrient mitigation was also provided, which included an Executive Report outlining the Council's approach to Nutrient Neutrality and details of the site where it is intended to be provided.

PLANNING HISTORY

M/FP/0082/16/P

Hybrid application for residential development consisting of full planning consent for 124 dwellings with associated works and outline permission for an area of 42.29ha

Approved Conditionally

11th April 2016

PLANNING POLICY

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

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

- Any other material considerations.

Middlesbrough Local Plan

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

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

National Planning Policy Framework

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

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

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

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

- H1 – Spatial Strategy
- H7 – Hemlington Grange

H11 – Housing Strategy
H12 – Affordable Housing
CS17 – Transport Strategy
H23 – Hemlington Grange
H25 – Hemlington Grange – Transport Infrastructure
H31 – Housing Allocations
MWC4 – Safeguarding Minerals
MWP1 – Waste Audits
CS4 – Sustainable Development
CS18 – Demand Management
CS19 – Road Safety
DC1 – General Development

Stainton and Thornton Neighbourhood Plan
Hemlington Grange South Development Brief

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

CONSULTATION AND PUBLICITY RESPONSES

The application has been the subject of the standard notification of neighbouring properties by letter drop, which includes 51 different addresses. The application was also advertised in the local newspaper and site notices were displayed close to the application site to ensure wider publicity.

Following the consultation period, no objections, comments or other representations were received from local residents.

Summary of Public Responses

Number of original neighbour consultations	51
Total numbers of comments received	0
Total number of objections	0
Total number of support	0
Total number of representations	0

Responses from Internal Technical Services

Planning Policy – No objections

The principle of residential development for 130-150 dwellings is considered to accord with the relevant Development Plan Policies.

Highway Planning – No objections subject to conditions

The proposed development would be considered not to have a detrimental impact on the capacity of the existing road network.

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

The submitted documentation has been considered and deemed to be acceptable in principle subject to suitable conditions for validation report and road noise assessment.

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 – Objects

The protection given to our plant may be diminished by the works being carried out.

Natural England – Initially responded advising that the proposals potentially affects European Sites vulnerable to nutrient impacts.

Habitats Regulations Assessment and Nutrient Mitigation information has since been sent to Natural England. No comments received to date.

North Yorkshire Council – No objections

PLANNING CONSIDERATION AND ASSESSMENT

Background

1. The proposed development relates to the construction of between 130 and 150 dwellinghouses on land known as Hemlington Grange South. The application is outline with all matters relating to access, appearance, landscaping, layout and scale being reserved. The primary issues to be considered in respect of the application are the appropriateness and sustainability of the site and the impacts on the highway network.

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'. In determining planning applications, due weight should be given to local planning policies in accordance with their consistency with the revised NPPF, with greater weight given the closer policies are to those in the NPPF.

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, the presumption in favour of sustainable development is at the heart of the framework. Development proposals that are in accordance with the development plan should be approved without delay.

5. Section 5 of the NPPF provides the Government's strategy for house building to significantly boost the supply of homes. Being in outline form, consideration cannot be given to the details, but the principle of the proposals is deemed to be in accordance with the requirements of this Section of the NPPF.

Local Policy Context and Assessment

6. The application site lies within the southeastern part of the Hemlington Grange allocation. Policies H7 and H23 allocate the wider Hemlington Grange site for a mix of residential and employment use, with H23 specifically identifying that the employment use should be located within the western section of the site. It is noted that the application site is within the part of the wider site that is allocated for residential development. The principle of housing on the application site has, therefore, already been established by the housing allocation.

7. Policies H7, H23 and H31 collectively identify the wider Hemlington Grange allocation for 1,230 dwellings. Policies H1, H11, H23 and H31 identify that at least 750 of the dwellings should be delivered by 2029. By the end of August 2023, full planning permission had been granted for 856 dwellings with the remainder being outline approval. Based on densities and layouts already approved, it is considered that the remaining numbers covered by outline permission will not be met, creating capacity for dwellings on the Hemlington Grange South site without exceeding the numbers detailed in Policy H7. Policy H1, however, makes clear that the housing allocations are minimum figures and that a higher number of dwellings may be acceptable subject to being of high quality design and appropriate to the location. Whilst the design and layout can be considered at any reserved matters stage, the principle of housing development on the application site is deemed to accord with the above Policies.

8. Policy H23 sets out criteria for the development of the wider site allocation. Many criteria relate to matters that need to be considered at the reserved matters stage. Policy H12 and criterion (p) of Policy H23 collectively require that 15% of dwellings are affordable, to be provided as 5% on site along with a 10% financial contribution off-site. The affordable housing contribution can be secured at the reserved matters stage through an appropriate condition, which is recommended.

9. Informal development guidance for the application site has been adopted by the Council. The Hemlington Grange South Development Brief sets out the design and development expectations alongside planning requirements for the residential development of the site. Similar to the requirements of Policy H23, the guidance in the Development Brief is considered to be more relevant to the reserved matters stage. As the Development Brief considers that the site is appropriate for approximately 130 to 150 dwellings, the quantum of development proposed in this outline application is in accordance with the development guidance.

10. Policy CS4 requires that all development contributes to sustainable development principles, which includes that everyone has access to the community facilities that they need in their daily lives. The Development Brief identifies that a local area for play shall be provided within the site, which is considered to help achieve the aims of the Policy. A condition has been recommended to achieve this.

11. The site is within the minerals safeguarding area for gypsum. Policy MWC4 allows non-minerals related development where the need for the development outweighs the need for the mineral resource. The site is allocated for housing, which is required to meet the current and future housing needs of Middlesbrough, which is considered to outweigh the need for gypsum, which is a relatively widespread mineral. Policy MWP1 requires a waste audit to be submitted for all major development. To achieve this, a condition is recommended for a waste audit to demonstrate how waste from the site will be minimised and managed.

12. The requirements of the Stainton and Thornton Neighbourhood Plan also apply to this application, including Policy ST8 Design Principles for New Residential Developments. These requirements, as well as the guidance within the Urban Design SPD, will be considered as part of any reserved matters application.

Transport Implications

13. Policies CS17 and CS19 require development to be located where it will not have a detrimental impact on the operation of the strategic transport network and on road safety respectively. The application is supported by a Transport Statement which assesses the expected impacts on highway safety.

Network Assessment

14. A hybrid planning application covering the Hemlington Grange site (M/FP/0082/16/P) has been considered and approved for 1,230 dwellings (plus 23,000sqm gross floor area of commercial uses). This consent assessed the highways impact of the quantum of development and secured any necessary mitigation. The traffic associated with the Hemlington Grange development is included within the strategic Aimsun model as committed development and, therefore, taken into account. As alluded to earlier in the report, a total of 856 dwellings have been consented at Hemlington Grange and are in the process of being built out.

15. With regard to the remaining outline consents that benefit from Highways consideration, Council Officers from various services have assessed the potential density that could be achieved on the remaining land covered by the previous consent and are satisfied that the Hemlington Grange South site would be unlikely to push the total number of residential units above the 1230 previously assessed and approved. As such, the proposed number of units on Hemlington Grange South would fall within the total quantum of development and number of vehicular trips previously considered and approved. There have been no known significant changes to traffic capacity in the area that would alter this previous position and the impacts of the scheme on the network are therefore considered to be acceptable and without undue harm to the movement of traffic generally.

Access

16. Vehicular access is intended to be taken from the adjacent Phase 2 of the Hemlington Grange development using the internal highway network. These routes then provide links to Hemlington Grange Way, which provide access to the B1365 and Stainton Way. The internal highway layout is being designed and constructed to adoptable standards and, as such, are considered suitable to serve the proposed development. No vehicular access is to be taken from B1365.

Active Travel

17. The site is located to the south of the wider Hemlington Grange development, which has an extensive internal network of footpaths and cycle facilities. Whilst detailed design

matters will be covered within future reserved matters applications, it is expected that the proposed development will connect into this adjacent infrastructure and provide a wider and increased recreational and travel options for users.

18. Policy CS18 requires that development proposals improve the choice of transport options, including promoting opportunities for cycling and walking, and Policy H23 seeks the inclusion of bridleways, cycleways and footpaths within the Hemlington Grange allocation site. The Development Brief requires a multi-user route for pedestrians, cyclists and horse riders running east-west through the application site, a crossing of the B1365 that links into the multi-user route, and a pedestrian and cyclepath link from the crossing through to Coulby Farm Way. The Development Brief also requires that north-south pedestrian routes be provided within the site to integrate into existing/proposed routes on the wider Hemlington Grange site to the north and to enable access to the Lingfield Community farm shop and café to the south. These connections can be secured via condition.

19. The existing and proposed infrastructure will ensure that residents of the development have access to regular public transport and a range of day to day facilities.

Flood Risk and Drainage Implications

20. Policy CS4 seeks the incorporation of sustainable drainage systems as part of new development. The planning application is supported by a Flood Risk Assessment (FRA) and Drainage Strategy that proposes the inclusion of two SUDs ponds within the development.

21. The submitted information has been considered by the Council's Flooding Officer and, in principle, there are no objections to a residential development in this location subject to appropriate conditions and assuming that the drainage is designed following the principles as outlined in the FRA.

22. The FRA has indicated that during storm events of 1:30 year some areas of the site are at risk of surface water flooding. The Surface Water Flood Risk maps provided have also indicated surface water flowing from the site in the northeast corner, so clarification is required that any proposed layout will not increase the risk of flooding elsewhere. The drainage sketch has indicated a ditch in this area, but it is unclear on the current condition of this channel and where it outfalls too.

23. The FRA has also indicated that infiltration is being assumed at 40% but the local authority does not accept infiltration. It is noted that the total site is 7 hectares but that the proposed area to be developed and used to calculate runoff is stated as 2.82 hectares with a Greenfield runoff rate (QBar) of 12.42 l/s.

24. Appropriate conditions are recommended to ensure that future development incorporates the above requirements, mitigation measures and drainage solutions.

Environmental Health Considerations

25. The application has been supported by various documents giving consideration to the environmental health implications from the development. Officers in the Council's Environmental Health service have reviewed the Noise Assessment, Air Quality Screening Assessment, Desktop Study and Ground Investigation reports for contaminated land, and their comments are summarised in the following paragraphs.

26. Pollutant concentrations arising from the additional traffic flows associated with the proposed development have been considered as part of the Environmental Impact Assessment for the wider Hemlington Grange site (M/FP/0082/16/P). No further air quality

assessment is required as part of the application, although it is recommended that the construction management measures should be implemented to minimise dust emissions.

27. The submitted Noise Assessment is based on the outline layout plan and provides mitigation measures including an acoustic barrier, acoustic glazing and ventilation options. The assessment considers the road traffic noise associated with the B1365 to the east of the site as being the dominant noise source. A condition is recommended for the submission of a scheme to protect dwellings and associated areas of the development from traffic noise.

28. The application was supported by a Phase 2 Ground Investigation report. The levels of contamination found during the ground investigation are considered not to pose a risk to future users of the site and no remediation is required.

Nutrient Neutrality

29. Nutrient neutrality relates to the impact of new development on the Teesmouth and Cleveland Coast Special Protection Area (SPA) (and Ramsar Site) 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 that 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 has the ability to exacerbate this impact. Natural England has advised that only development featuring overnight accommodation (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 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 to accurately define a precise impact from development in relation to nutrient neutrality given the scale of other influences. Notwithstanding this, the Planning Authority need to determine applications whilst taking into account all relevant material planning considerations.

30. The Local Planning Authority must consider the nutrient impacts of any development within the SPA catchment area, which is considered '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.

31. In-scope development generally includes, but is not limited to, new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). 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.

32. The existing use of the site is as greenspace, although it is allocated in the Local Plan for mixed use development forming part of the regeneration of the wider Hemlington Grange site. The proposed development will lead to an increase in population and will have a greater impact with regards to nitrate generation/pollution over and above the existing use. As such, a Likely Significant Effect cannot be ruled out. Appropriate Assessment is required to assess the impact of the proposed development.

33. Utilising the Nutrient calculator produced by Natural England identifies that the development would generate 59.77 Kg TN/year. For the proposed development to be considered acceptable, it is necessary for the applicant to demonstrate that they are capable of mitigating the impacts of the development. As part of the application, a proposal has been submitted with the aim of achieving Nutrient Neutrality for water entering the River Tees, as detailed in the following paragraphs.

34. In June 2023, Middlesbrough Council's Executive agreed to take Council-owned land out of agricultural use, so that it can be used as mitigation to achieve Nutrient Neutrality and support the delivery of new housing which is being brought forward on Council owned land or by third parties elsewhere in the town.

35. The Council's agricultural land holdings were subject to an assessment to identify those fields that would be suitable for taking out of use to help achieve Nutrient Neutrality. This assessment concluded that 12 parcels of land, totalling circa 60 hectares, are suitable, all of which are located in the south of the town near Coulby Newham and Nunthorpe.

36. In order to meet the current requirements of the Habitats Regulations, the Council will take identified agricultural land out of use 'in perpetuity' and will ensure that it is no longer used for such purposes and managed accordingly.

37. Like the Planning Authority, the applicant employed Natural England's "Nutrient Neutrality Budget Calculator" to determine the impact of the proposed development on nitrogen discharges. The calculated impacts of 59.77 kg TN/year would be mitigated by taking 3.5 hectares of Council owned land out of cereal production use and maintaining it as greenspace. It has been calculated that the total annual nutrient load that would be mitigated is 60.72 kg TN/year. As a result, the nutrient mitigation for the proposed development is deemed to be acceptable. A condition is recommended which requires the mitigation strategy to be implemented and maintained in perpetuity or other such period should Nutrient Neutrality of the site be no longer required.

38. Based on the recommended condition, it is considered that the proposed development will mitigate nitrate generation/pollution. As a result, the scheme will not have a Likely Significant Effect. On this basis, the scheme should be considered acceptable.

Biodiversity and Ecology

39. Policy CS4 also requires that biodiversity is protected. The application is supported by various ecological documents that give consideration to the existing flora and fauna at the site and how this may be affected by development at the site and how it may be mitigated.

40. An overarching ecological appraisal was undertaken, which assesses that the grassland fields, scattered trees and species poor hedgerows are of local value, the dense scrub, plantation broadleaf woodland, marsh grassland and running water habitats are of parish value, and the species rich semi-improved grassland within the easternmost field has the potential to up to county value and may be a priority habitat.

41. The woodland and hedgerows are appraised as providing potentially good quality foraging and commuting habitat for bats and overall the site is considered to be of moderate suitability for bats. Some trees across the site were assessed as having moderate-to-high suitability for roosting bats, although no evidence of bat use was found. However, the woodland trees within the northern boundary, which will largely be retained, include those that are deemed suitable for bats. To provide appropriate protection, a condition is recommended that all trees on site are retained subject to a detailed inspection of their

suitability for hosting bats. Overall, however, the site is considered of local value to bats with the woodland boundary of up to parish value.

42. There are no bodies of water within or adjacent to the site, and the running water within the site is not considered suitable for great crested newts. The site in general is considered of local value to amphibians.

43. In terms of birds, the site was found to support 60 pairs or 26 species, with the diversity and abundance being considered typical for a site of Hemlington Grange's size and habitats. Nearly all breeding species are deemed characteristic of hedgerows, woodland and scrub, with an exception being the reed bunting, although its presence is likely to be due to the pond to the south of the site. In general, the species may not use the site itself.

44. Whilst the aims of these documents are welcomed and give a good indicator of expected wildlife and habitats on the site, they are likely to need refreshing before any reserved matters application is determined, as they were carried out between 2020 and 2021. A condition is recommended to ensure new mitigation strategy is agreed subject to a new preliminary ecological appraisal. Conditions are recommended to ensure that prior to any works being undertaken, all hedges and trees be retained on site, until a detailed landscaping scheme has been agreed and this will further help to minimise any impacts on flora and fauna at the site.

45. As well as the above, the National Planning Policy Framework (NPPF) provides protections for important sites and wildlife and makes provisions for the delivery of biodiversity net gain. At the time of writing, Biodiversity Net Gain is a statutory requirement for all major application, although the application was submitted prior to legislation coming into force. Notwithstanding this, however, local and national policy require biodiversity net gain to be considered and a condition requiring this is recommended.

Other Matters

46. In its formal consultation response, Northern Gas Networks objected to the application on the grounds that the protection given to its plant, which is principally found running north-south along the east boundary of the site, may be diminished by the proposed works. It was advised that there are specific building proximity distances for individual pipelines, which are dependent on risk levels and the type of development. Whilst the objection is acknowledged, it is the Officer view that due consideration can be given to the equipment and apparatus of Northern Gas Networks at the reserved matters stage. It is considered that the arrangement of buildings and the general proposed site layout, which would form the basis for any reserved matters application, can adequately take into account any plant associated with Northern Gas Networks.

47. National and local planning policy require all major developments to incorporate on site renewable energy facilities or energy saving technologies that provide, as a minimum, 10% of energy requirements. To achieve this, a condition is recommended.

Conclusion

48. The proposed outline application for the development of the site for between 130 and 150 dwellings with all matters reserved has been assessed in relation to relevant local and national planning policies and is considered to be in accordance with their requirements. The suitability of the access, appearance, landscaping, layout and scale can be given the appropriate consideration at the reserved matters stage.

49. There are no technical objections to the proposal in terms of the sustainability of the site or the ability to meet necessary drainage and highways requirements, and ecology and noise mitigation. Nutrient mitigation has been provided and is considered to be acceptable.

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

RECOMMENDATIONS AND CONDITIONS

Approve Conditionally

1. Outline Permission: All Matters Reserved

An application for approval of the reserved matters shall be made to the local planning authority before the expiration of five years from the date of this permission. The reserved matters will detail the means of access, the appearance, the landscaping, the overall layout and scale of the outline development hereby approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Act 2004 and to reserve the rights of the Local Planning Authority with regard to these matters.

2. Time Period for Commencement

The development hereby permitted shall be begun not later than:

- a) The expiration of seven years from the date of this permission; or
- b) The expiration of two years from the date of approval of the final reserved matter(s) to be approved, whichever is the later.

Reason: The consent is in outline form only and to protect the rights of the Local Planning Authority.

3. Approved Plans Major Outline

The reserved matters submitted in accordance with condition 1 and details submitted in accordance with any other conditions of this planning permission shall be in broad accordance with the following approved plans and documents.

- Site Location Plan (A01)
- Nutrient Neutrality Mitigation for Hemlington South – Location Plan
- Noise Assessment (D/I/D/151140/501 Rev 2)
- Ecological Impact Assessment (R02)

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.

4. Waste Audit

Prior to the commencement of development, a Waste Audit shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented on

site. The Waste Audit shall identify the amount and type of waste which is expected to be produced by the development during the construction works. The Audit shall set out how this waste will be minimised and where it will be managed.

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.

5. Assessment of Road Noise

Development hereby approved shall not commence on site until an assessment of road noise, and if necessary, a scheme for protecting the proposed dwellings and associated residential outdoor space from traffic noise, has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include a 15-year projection of traffic levels.

All residential units shall be designed so as not to exceed the noise criteria based on current figures from BS8233 (2014) 'Guidance on sound insulation and noise reduction for buildings' and the WHO 'Guidelines for Community Noise' 1999. Any scheme of protection shall demonstrate that noise from nearby road traffic as measured within bedrooms does not exceed 30dB(A) Leq and 45dB(A) Lmax (23:00-07:00) and 35dB(A) (07:00-23:00), and that noise from nearby road traffic as measured within the gardens or other residential outdoor space does not exceed 50dB(A) Leq.

Any works and/or noise mitigation measures identified within the scheme shall thereafter be carried out and brought into operation in accordance with the approved details. All works which form part of the approved scheme shall be completed prior to any of the dwellings hereby approved being occupied and shall be maintained in perpetuity. The internal noise levels must be obtainable while appropriate ventilation to habitable rooms is provided in a manner which meets the requirements of The Building Regulations which may include mechanical ventilation.

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.

6. 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 approved Flood Risk Assessment and Drainage Strategy 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.
- 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.

7. 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.

8. Surface Water Drainage Management and Maintenance Plan

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

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

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

9. Foul and Surface Water NWL

Development shall not 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.

10. 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.

11. Details of Roads, Footpaths and Open Space Required

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

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

12. Off-Site Highways Works

The development hereby permitted shall not come into use until the highway works detailed below have been carried out in accordance with the submitted drawing(s) or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority.

- a) Signalised Pegasus crossing on B1365; and,
- b) A shared ped/cycle route of minimum width 3.6m between the proposed signalised crossing point on the B1365 to Coulby Farm Way via The Mallards and land to the South of the Coulby Farm PH.

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

13. 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.

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. Soft Landscaping Works

Prior to the occupation of any of the dwellinghouses 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.

16. 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 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.

17. 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.

18. Details of Boundary Treatments

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 area.

19. Ecology – Mitigation During Construction

Ecological mitigation measures based on those detailed in the submitted Ecological Appraisal shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures approved by the Local Planning Authority shall then be implemented during construction.

Reason: To protect the ecology 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. Biodiversity Net Gain

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 when measured against the pre-development biodiversity value of the development site. Any approved scheme for biodiversity net gain shall then be implemented as part 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.

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. Fabric First/Renewables

No development hereby approved shall be commenced on site other than initial groundworks until a 'Scheme of renewables or a fabric first approach' has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the predicted energy requirements of the development post completion and under normal operating use and will also detail how 10% of the predicted energy requirements will either be generated on site by renewable technologies or how the fabric of the building shall be constructed to reduce the predicted energy demand in exceedance of the current Building Regulation Standards by 10%.

The development shall be undertaken in accordance with the approved scheme which shall then be maintained in an operational state for the lifetime of the building.

Reason: In the interests of a sustainable development and in accordance with the guiding principles of the NPPF.

23. Affordable Housing

Provision shall be made for affordable housing as part of the development hereby approved, which shall be provided as at least 5% on site dwellings and a 10% financial contribution in the form of a legal agreement.

Reason: To ensure the development complies with local Policies H12 and H23 as well as the NPPF.

24. Development Brief Requirements

As part of the final site layout for the development hereby approved, provision shall be made as part of the reserved matters application for the following:

- Play area

- Multi-user route for pedestrians, cyclists and horse riders running east-west through the application site
- Crossing of the B1365 that links into the multi-user route
- Pedestrian and cyclepath link from the crossing through to Coulby Farm Way
- North-south pedestrian routes within the site to integrate into existing/proposed routes on the wider Hemlington Grange site to the north and to enable access to the Lingfield Community farm shop and café to the south

Reason: To ensure an acceptable form of development that complies with the Development Brief for the site.

Reason for Approval

The proposed development of land at Hemlington Grange South for residential use is considered to be appropriate for both the application site itself and within the surrounding area, and is considered to be in accordance with other relevant national and local planning policy guidance.

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

In particular, the proposal meets the National Planning Policy Framework and guidance regarding housing, sustainable development and efficient use of land. Further detailed information in the form of a reserved matters application is necessary to fully consider the appropriateness of the scale of development, design, access and layout to ensure the proposed housing development would not be out of scale and character within the surrounding area and would not be detrimental to the local and residential amenities of the area. The principle of a development for 130-150 dwellings on this site is acceptable.

INFORMATIVES

Fee for discharging conditions

Under the Town & Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2010, the Council must charge a fee for the discharge of conditions. Information relating to current fees is available on the Planning Portal website (<http://www.planningportal.gov.uk/england/public/planning/applications/feecalculator>). Please be aware that where there is more than one condition a multiple fee may apply.

Building materials on highway

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

Deliveries to site

It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction then early discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so as to mitigate the effect of the obstruction to the general public.

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.

Contact Northern Gas

The applicant must contact Northern Gas Networks directly to discuss requirements in detail.

Design Guide and Specification

The development will be designed and constructed in accordance with the current edition of the Councils Design Guide and Specification.

S38

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

Delap

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)

Maintenance of Open Space

The Council will not take on the maintenance of any areas of open space, where boundary fences do not abut the highway they must be within the residential curtilage of a property or managed and maintained by a management company. If within the curtilage of a property residents must be informed that they are responsible for the maintenance of the land

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 of Surface Water

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

Contact 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.

Secured by Design

The applicant is recommended to actively seek to develop to accredited Secured by Design standards or to contact the Secured by Design Officer for advice relating to designing out opportunities for crime and disorder to occur in the future.

Secured by Design contact: stephen.cranston2@cleveland.pnn.police.uk

Cleveland Fire Service

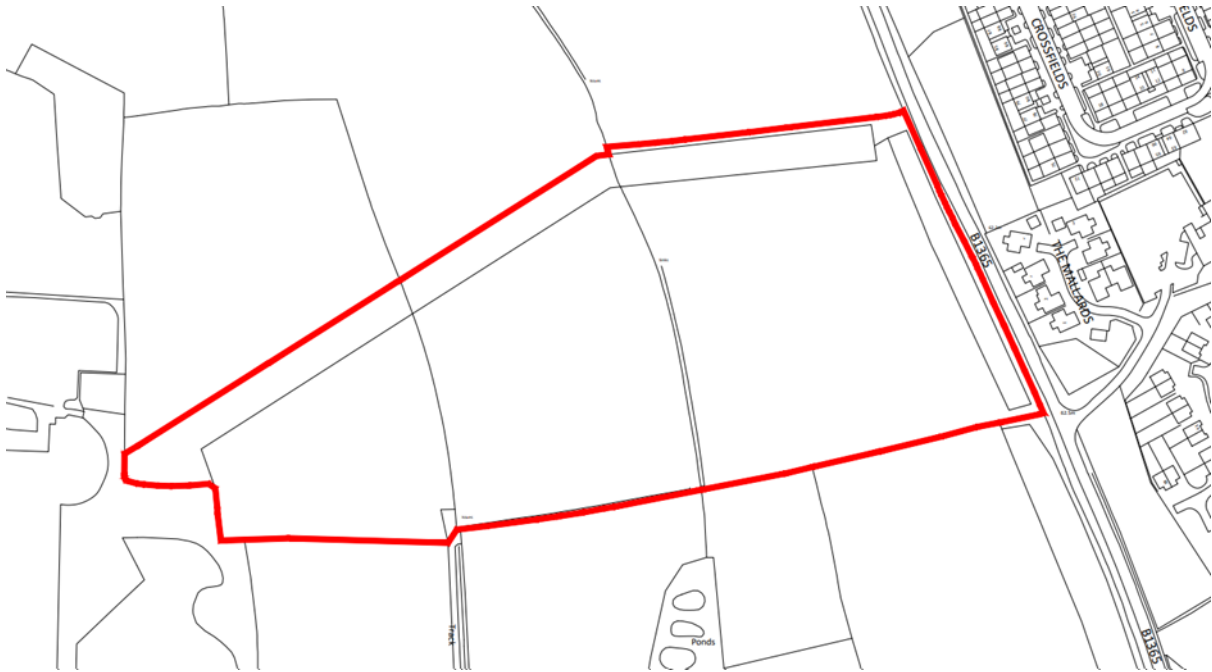
Access and Water Supplies should meet the requirements as set out in: Approved Document B Volume 2: 2019, Section B5 for buildings other than Dwellings. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 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: 11th April 2024

Site Location Plan



Nutrient Mitigation Location Plan



APPLICATION DETAILS

Application No:	23/0661/FUL
Location:	4, Hall Drive, Middlesbrough, TS5 7EN
Proposal:	Retrospective extensions and alterations to garage to side to create residential annex
Applicant:	A Ghafoor
Agent:	Benson Themuka
Ward:	Kader
Recommendation:	Approve Conditionally

SUMMARY

Planning permission was originally granted in September 2020 (20/0316/FUL) to convert and extend the existing attached side garage to form a residential annex. Post commencement, however, the attention of the Council was brought to unauthorised works, which included the construction of three dormer windows fronting Hall Drive (instead of the approved one dormer), a flat-roofed box-like rear dormer (instead of the approved one small dormer), and a single storey extension to the rear of the annex with flat roof and parapet detail. An application was subsequently submitted seeking to regularise the unauthorised works (21/1048/FUL) which was refused, then dismissed at appeal.

Although the Inspector dismissed the appeal (Inspector's decision letter is attached as Appendix 3), the Inspector found no harm from the three dormers fronting Hall Drive, the appearance of the front elevation facing Hall Drive, or the single storey extension and its flat roof. The main reason for the appeal being dismissed was the box-like rear dormer, although the Inspector noted that a catslide roof on this dormer – to match the large catslide roofed dormer that covers most of the rear roof plane of the original dwelling – would not be unduly harmful. The current application seeks approval for the works which the Inspector identified not to be harmful.

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

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is a large 1.5-storey dwelling situated on a generous cornerplot location where Hall Drive meets Acklam Road. The property is well screened from Acklam Road by the belt of mature trees that line the street. The side of the property faces onto Hall Drive.

Retrospective planning permission is sought for:

1. Three narrow pitched-roof dormer windows on the side elevation facing Hall Drive.
2. Re-arrangement of windows and doors on the side elevation facing Hall Drive and the introduction of a garage door.
3. Single storey extension with flat roof and parapet detail. The extension measures 4.5 metres in length from the previous side wall of the annex and has a total height of 3.5 metres to the top of the parapet roof.
4. Dormer window on side elevation facing the rear garden with catslide roof over.

PLANNING HISTORY

There are three relevant applications relating to the annex at this site.

M/FP/0457/14/P

Conversion of existing garage and extensions to provide 1no dwelling with associated access and boundary treatments
Refused 11.06.2014

20/0316/FUL

Conversion of garage and extension to side and rear to create a residential annex
Approved 09.09.2020

21/1048/FUL

Retrospective extensions and alterations to garage to side to create residential annex
Refused

Whilst the appeal was dismissed (see Appendix 3), the Inspector:

- Identified no harm from the front dormers subject to the construction of pitched roofs over.
- The Inspector considered the elevation fronting Hall Drive to be acceptable.
- The single storey extension at the rear was deemed not to be harmful to the neighbouring property. The flat roof with parapet wall detail was considered by the Inspector to be a reasonable compromise and would not cause harm to the character and appearance of the area.
- The only harm the Inspector identified was the flat-roofed box dormer, which the Inspector found to be an incongruous and visually dominant addition and one that would appear out of keeping with the design of the original dwelling. The Inspector noted, however, that a box style dormer with a full catslide roof on the annex would not be unduly harmful as it would be read as an extension to the existing dormer (paragraphs 8-9). I note the current plans show a catslide roof arrangement.

PLANNING POLICY

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

amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

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

Middlesbrough Local Plan

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

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

National Planning Policy Framework

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

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

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

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

DC1 - General Development
CS4 - Sustainable Development
CS5 - Design
UDSPD - Urban Design SPD

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

CONSULTATION AND PUBLICITY RESPONSES

The application was subject to the standard notification of neighbouring properties, which included a letter drop to 12 different addresses. A press notice was placed in the local paper giving wider publicity.

Following the consultation period, **three letters of objection** were received. The comments within the representations can be summarised as follows:

- The application has already been denied.
- No changes have been made and the building work is not legal.
- The originally approved two bedroom annex has now become a separate three bedroom property with a much larger footprint.
- The conservatory walls are intrusive as are the lights on the rear of the building due to the proximity to our [neighbour at No. 6] reception room.
- Loss of amenity, being overlooked, infringement of privacy, negative impact on the use of our garden and rear reception room.
- There is no interconnecting door between the property and the annex which makes it a separate dwelling, despite plans showing it is an annexe.
- This new application now creates a separate three bedroom property, which will overlook the main dwelling house and could be rented out or even sold separately in the future.
- The amended plans have not made any changes to the original issues and so the building is still not in keeping with neighbouring architecture. It negatively impacts the street scene.
- The application still does not meet the Urban Design SDP, in respect of the dormer windows.
- This revised application does not address the concerns of the Planning Inspector.
- The original application back in 2016 had an internal link to the existing property. This has now disappeared. If approved this application could be considered a separate dwelling and not an annex and represents what was refused under M/FP/0457/14/P.

Summary of Public Responses

Number of original neighbour consultations	12
Total numbers of comments received	3
Total number of objections	3

Total number of support	0
Total number of representations	0

Responses from Internal Technical Services

Conservation Officer – No objections

Following a dismissed appeal, this retrospective application proposes to retain and alter some extensions and alterations to the garage to create a residential annex. Whilst the dwelling does not typify the best of traditional development in Acklam Hall Conservation Area, it is on a prominent and leafy corner plot at one of the entrances to the Conservation Area.

In the appeal, the Inspector found harm to the character and appearance of the area arising from the flat roofed box dormer on the side elevation of the annex facing the rear garden of the original dwelling. This element has been improved through the addition of a catslide roof. The Inspector also raised the impact of the built flat-roofed dormers, which was in the initial application and is proposed here to add pitched roofs to, which is an improvement. The result is an improved scheme, better guided by the host dwelling.

The proposed development should not cause harm to Acklam Hall Conservation Area, in accordance with policies CS4 and CS5 of the Middlesbrough Core Strategy and with paragraph 203 of the 2023 National Planning Policy Framework.

PLANNING CONSIDERATION AND ASSESSMENT

Background

1. Planning approval was originally granted in 2020 for the construction of an annex at the application site (20/0316/FUL), which would be created through the conversion and minor extension of the former garage to the side of the property. During construction, it was brought to the Council's attention that the build was being constructed contrary to the approved drawings.
2. An application was subsequently submitted to the Council seeking retrospective consent for various works at the site (21/1048/FUL), which included the construction of three dormer windows fronting Hall Drive (instead of the one approved dormer), a flat-roofed box-like rear dormer (instead of the one approved small dormer), and a single storey extension to the rear of the annex that incorporated a flat roof and parapet detail. The Council refused this application as the various elements of the scheme were deemed to be harmful to the conservation area and the amenities of the occupiers of the neighbouring property.
3. The current application has been submitted following on from the conclusions of the Planning Inspector who dismissed the appeal on 27th July 2023 (see appendix 3).
4. It is important to clarify that the following paragraphs shall not assess the principle of an annex at the property, which was given due consideration under the original approved application (20/0316/FUL) but shall focus on the various elements of the constructed works, which includes the three constructed dormer windows facing Hall Drive, the revised fenestration arrangement and garage door facing Hall Drive, single storey extension with flat roof within the rear garden, and large dormer window facing the rear garden.

Site Context

5. The application dwelling is a detached bungalow that is considered to be infill development, in terms of the traditional and historic development nearby. Built at some point between 1960 and 1988 (according to historic maps), it is the only development that has ever stood on the site. The surrounding uses are primarily residential, with some education and commercial (in the uses in Acklam Hall) further from the application site. The application dwelling is in the suburb of Acklam, formerly a village, south of Middlesbrough's urban area.

Character and Appearance of the Area

6. The application property occupies a substantial corner plot which is primarily characterised by a significant number of mature trees, particularly along the western boundary with Acklam Road through which glimpses of the house can be seen.

7. The property is positioned close to the eastern boundary of the plot, orientated with its principal elevation fronting Acklam Road, although its access is taken from Hall Drive. While there is a large close boarded timber fence along this boundary, it is from this point that the property makes an impression on the street scene, as there is less tree cover, and the steep roof pitch is visible high above the fence.

8. The property is unique in its design and appearance, being of a different period to most of the two-storey semi-detached pairs further east on Hall Drive and those on Acklam Road. The property is a dormer bungalow; however the scale and design of the roof in particular give the impression of it being on a similar scale to the neighbouring two-storey properties.

Heritage Assets

9. The application site lies within Acklam Hall Conservation Area. Acklam is first recorded on the Domesday Survey of 1086. Church Lane is the historic core of the village of Acklam but most of the buildings date from the mid or late twentieth century and are of limited interest.

10. During the first half of the seventeenth century, the estate was acquired by William Hustler; his grandson, Sir William Hustler, built the present Acklam Hall in c.1683. Hustler also laid out extensive gardens around the house and the avenue of trees stretching south. It is the only Grade I Listed Building in Middlesbrough and the surrounding Conservation Area includes Locally Listed St Mary's Church, Danby House, South Lodge and West Lodge. The significance of the Conservation Area lies in Acklam Hall, being oldest surviving country house in Middlesbrough, its grounds and ancillary buildings, which are now surrounded by suburbs.

Assessment of Constructed Works and Proposals

11. For ease of consideration of the constructed works and those proposed in the latest drawings, the following shall assess the different aspects of the development

Front Elevation (fronting Hall Drive)

12. The 20/0316/FUL approval included a single, moderate-sized dormer window positioned centrally within the roof plane. Two rooflights are included either side of the dormer window. The annex has since been constructed with three narrow dormer windows and it is proposed to incorporate pitched roofs over each to improve their appearance.

13. The Council's adopted Urban Design SPD notes that 'dormer extensions to the roof of a house can drastically alter the appearance of the property. The SPD adds that the general rule is to attempt to minimise the visual impact of the dormer by reducing its scale to that of a roof window, with a pitched roof and the cheeks of the dormer set in from the edge of the roof'.

14. Whilst the Council raised concerns in the previous application that the dormers could be visually dominating and would not have a minimal impact on the surrounding area, this view was not shared by the Planning Inspector, who was of the view that the pitched roofs over the three dormer windows **would not cause harm to the character and appearance of the area or the conservation area.**

15. The Council also raised concerns with regard to the rearrangement of fenestration and the introduction of a garage door (serving a store) and considered this to provide a poorer appearance on the Hall Drive streetscene, contrary to the requirements of CS5 and DC1.

16. The Planning Inspector when considering the appeal, however, noted that **the garage door is of a modest size in comparison to the width of the elevation on which it is located and that the presence of a garage door on what is a modern domestic property is not objectionable or visually harmful, even in the context of the site being with the conservation area.** The Inspector also commented that a **garage door of some type was present facing Hall Drive.**

17. In their conclusion, the Inspector was of the view that **the dormers on the side elevation facing Hall Drive would not, subject to the incorporation of pitched roofs, cause harm to the character and appearance of the area or the conservation area. The changes to the ground floor fenestration on that elevation and the addition of the single storey extension to the other side elevation also do not cause harm to character and appearance.**

Rear Elevation (dormer window and roof plane)

18. Similar to the front roof plane, the 20/0316/FUL approval included a single, moderately sized dormer window left of centre of the roof plane. A rooflight was included to the right of the dormer serving one of the bedrooms. Instead of the approved pitched-roof dormer, however, a large flat-roofed dormer window has been constructed that spans the width of the rear roof plane. The previous application sought retrospective permission for the works but was refused and dismissed at appeal. The Inspector noted that the flat-roofed box dormer **would be an incongruous and visually dominant addition and appear out of keeping with the design of the original dwelling.**

19. Notwithstanding the above, however, the Inspector noted that the constructed dormer adjoins the large catslide roofed dormer that covers most of the rear roof plane of the original dwelling. In this context, the Inspector was of the view **that a box style dormer with a full catslide roof on the annex would not be unduly harmful, as it would in effect be read as an extension to the existing dormer.** As the proposals are for this large dormer to incorporate a catslide roof over to match the dormer on the host dwelling, it is considered that this would now be acceptable as it would be read in conjunction with the existing property. This would also adhere to the SPD which states that 'whether planning permission is required or not, certain basic principles should be applied to all types of extension...which includes consistent design, so that...the pitch and design of the roofs match the existing'.

20. As Officers have informed the applicant previously that a walk-on terrace could not be supported due to the unacceptable impacts on privacy to the neighbouring residents, a Juliet balcony is shown on the submitted drawings, which is considered to enable the appropriate levels of privacy for the neighbouring property to be retained. As a Juliet balcony is not a walk-on terrace, the impacts of this are considered to be similar to the impacts of a window.

Single Storey Rear Extension

21. At ground floor level, a single storey extension has been built which spans the width of the annex and projects 4.5 metres beyond the rear elevation of the approved annex. The single storey extension also includes detailing resembling a parapet wall, which has an overall constructed height of 3.5 metres.

22. In the previous application, Officers recommended refusal and that enforcement action be taken as the works were considered to be unacceptable. Officers were mindful of the Council's Urban Design SPD which advises that 'flat roofs should be avoided, as they are usually inappropriate in design terms'. The SPD also notes that 'the extension should not look out of place in the site or in the street and should enhance, not detract, from the character of the area'.

23. In their report, however, ***the Inspector noted that the incorporation of a pitched roof would be difficult to implement given the relationship to the roof of the annex and would considerably add to the bulk of the extension close to the common boundary with 6 Hall Drive.*** Instead of proposing a pitched roof, the Inspector states that ***the inclusion of parapet walls at either side aids in screening the flat roof and on balance achieves a reasonable compromise between providing the additional floorspace and not causing unacceptable harm to the character and appearance of the area or the conservation area.*** Given the Inspector's comments, Officers are of the view that the design can be supported.

24. In terms of the potential impacts on the living conditions of the neighbouring property, the Inspector remarks that the projection of the single storey extension ***is not substantial, extends along only part of the common boundary and is not positioned close to the main rear garden area.*** The Inspector was satisfied that ***even in its current built form, it has not caused an undue impact upon the living conditions of the occupiers of the adjacent property with respect to its massing or from a loss of outlook. Whilst there is a window on the side elevation of No 6 facing the extension, this is a secondary window and therefore there has not been harm in terms of a loss of light.*** The Inspector concludes that the single storey extension ***has not caused harm to the living conditions of the occupiers of No 6. Consequently, this element of the development accords with Policy DC1(c) of the CS, where it seeks to protect living conditions. There is also no conflict with the aims of the SPD in the same regard.***

Conclusion

25. Whilst Officers were of the view that parts of the development were unacceptable, namely the single storey rear extension with flat roof detail and the elevation facing Hall Drive, the Planning Inspector has not found harm to the character and appearance of the area nor upon the living conditions of the neighbouring property from these elements.

26. In terms of the box-like dormer window on the rear of the annex, the Inspector identified harm from the design, but observed the catslide roof on the dormer on the host bungalow and noted that a similar style roof over the dormer on the annex would be acceptable, as it would be read as an extension to the existing dormer.

27. The Inspector also noted that pitched roofs over the three dormer windows facing Hall Drive would also be acceptable and would not cause harm to the character and appearance of the area or conservation area.

28. Given the Inspector's decision and informative comments, it is considered that the proposed development would now be acceptable and would accord with Policies DC1(b and c), CS4(k and l) and CS5(f) of the Core Strategy 2008(CS), where they seek to protect character and appearance. There would also be adherence with the SPD in the same regard, and with the aim of the National Planning Policy Framework to achieve well-designed places. Moreover, the proposed development should not cause harm to Acklam Hall Conservation Area, in accordance with local policies and with paragraph 203 of the 2023 National Planning Policy Framework.

RECOMMENDATIONS AND CONDITIONS

Approve subject to the following conditions

1. Time Limit

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

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

2. Approved Plans

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

- a) Location Plan (AG.02.01)
- b) Site Plan (AG.02.02)
- c) Floor Plans (AG.02.04)
- d) Elevations (AG.02.05)

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

Reason for Approval

This application is satisfactory in that the retrospective extensions and alterations to garage to side to create residential annex accords with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policies CS5, CS4 and DC1 of the Council's Local Development Framework).

In particular, the work to create the residential annex have been designed so that its appearance is complementary to the host dwelling and so that it will not have a detrimental impact on the amenity of any adjoining or nearby resident. The proposed residential annex will not prejudice the character and appearance of the Hall Drive streetscene and does not significantly affect any landscaping nor prevent adequate and safe access to the dwelling.

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

accordance with the relevant policy guidance and there are no material considerations which would indicate that the development should be refused.

INFORMATIVES

None.

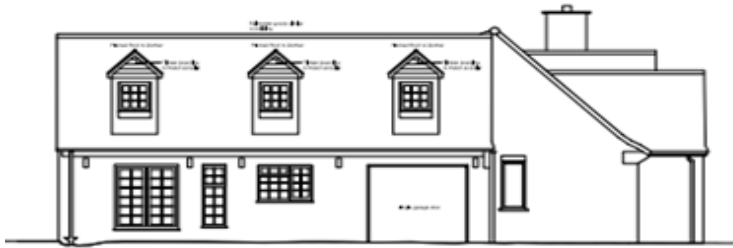
Case Officer: Peter Wilson

Committee Date: 7th March 2024

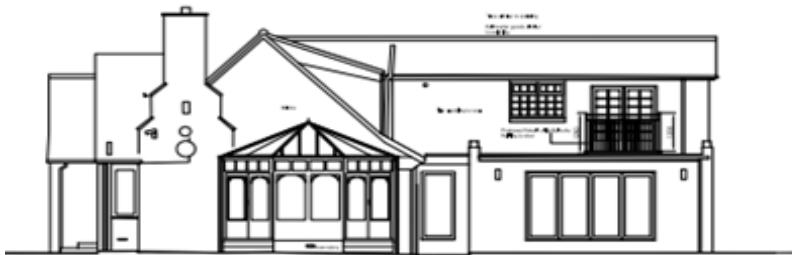
Appendix 1: Location Plan:



Appendix 2: Proposed Elevations:



Side Elevation



Side Elevation



Rear Elevation



Front Elevation



Appendix 3: Appeal Inspector's Decision Letter



The Planning Inspectorate

Appeal Decision

Site visit made on 11 July 2023

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th July 2023

Appeal Ref: APP/W0734/D/23/3317384

4 Hall Drive, Middlesbrough TSS 7EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Ghafoor against the decision of Middlesbrough Council.
 - The application Ref 21/1048/FUL, dated 31 October 2021, was refused by notice dated 23 December 2022.
 - The development proposed is amendments to approved granny annex and rear side extension as per attached drawings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission was granted in 2020 for the conversion of the existing garage and an extension to the side and rear of it to create a residential annex¹. The planning application that is subject to this appeal sought to regularise changes to the approved plans which were made when the development was built. These are primarily identified as changes to the approved dormers to the two side elevations, changes to the fenestration at ground floor level on the side elevation facing Hall Drive including a garage door, and the addition of a single storey side extension.
3. However, it was evident at my site visit that the development shown on the plans submitted with the appeal planning application does not entirely match with what has actually been built. In particular, the dormer on the side elevation facing the rear garden of the original dwelling has had a partial catslide roof added, although a section of it remains flat roofed. For the avoidance of doubt therefore, I have made my assessment on the basis of the plans that are before me.
4. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Acklam Hall Conservation Area (CA).

Main Issues

5. The main issues are the effect of (i) the development upon the character and appearance of the area and the CA and (ii) the single storey extension on the living conditions of the occupiers of 6 Hall Drive, with particular reference to massing and outlook.

¹ 20/0316/FUL

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Reasons

Character and appearance

6. The annex is located in a prominent position fronting onto Hall Drive close to its junction with Acklam Road, and it is within the CA. It sits along with the original dwelling on a large plot of land which by reason of its size and spaciousness contributes positively to the character and appearance of the CA. In that respect, it is noted in the Acklam Hall Conservation Area Appraisal and Study 2006 (CAAS) that the trees within its garden area make a positive contribution to the CA, although the modern building is of little architectural interest.
7. The significance of the CA lies predominantly in the presence of Acklam Hall, the oldest surviving country house in Middlesbrough and a grade I listed building. Although the annex is not in the immediate vicinity of the hall, the development that has taken place around the hall and within its former grounds contributes to the character and appearance of the area in which the hall is found and appreciated and to the CA in general. Due to its position on the edge of the CA, the appeal site makes an important visual contribution at an entrance point into the designated area.
8. The dormer on the side elevation facing towards the rear garden of the original dwelling adjoins the large catslide roofed dormer that covers most of the rear roof plane of the original dwelling. In that context, a box style dormer with a full catslide roof on the annex would not be unduly harmful, as it would in effect be read as an extension to the existing dormer. But, as I have outlined, the plans submitted instead show a flat roofed box dormer. This would be an incongruous and visually dominant addition and one that would appear out of keeping with the design of the original dwelling.
9. I acknowledge that the dormer would not be visible from the public domain, but nonetheless it would be seen from adjacent dwellings. It would from those views cause significant harm to the character and appearance of the annex on which it would be located, and it would represent a poor design solution. This in turn means that there would be harm to the character and appearance of the area. There would be no specific harm to the character or appearance of the CA when considered in terms of its significance and because of the location of the dormer, however this does not overcome the other aforementioned harm I have found.
10. The single storey extension to the side elevation facing towards the garden of the original dwelling has a flat roof, which the Urban Design Supplementary Planning Document 2013 (SPD) advises should be avoided. However, the incorporation of a pitched roof would be difficult to implement given the relationship to the roof of the annex and would considerably add to the bulk of the extension close to the common boundary with 6 Hall Drive. The inclusion of parapet walls at either side aids in screening the flat roof and on balance achieves a reasonable compromise between providing the additional floorspace and not causing unacceptable harm to the character and appearance of the area or the CA.
11. The side elevation that faces onto Hall Drive contains three dormer windows, which are broadly in accordance with the guidance set out in the SPD. Subject to pitched roofs being added to these as is indicated on the submitted plans,

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the Council does not raise an objection to this element of the development. I find no reason to disagree with that assessment, and therefore I concur that the dormers as intended to be completed on this elevation would not cause harm to the character and appearance of the area or the CA.

12. The side elevation facing Hall Drive now also includes the presence of a garage door to which the Council takes exception as a dominating and characterless feature. However, the garage door is of a modest size in comparison to the width of the elevation on which it is located. Furthermore, the presence of a garage door on what is a modern domestic property is not objectionable or visually harmful, even in the context of the site being within the CA. It would also appear that prior to the development taking place a garage door of some type was present facing towards Hall Drive.
13. In conclusion, the dormers on the side elevation facing Hall Drive would not, subject to the incorporation of pitched roofs, cause harm to the character and appearance of the area or the CA. The changes to the ground floor fenestration on that elevation and the addition of the single storey extension to the other side elevation also do not cause harm to character and appearance.
14. However, the flat roofed box dormer to the side elevation facing the rear garden of the original dwelling would cause significant harm to the character and appearance of the area and would fail to accord with Policies DC1(b), CS4(k and l) and CS5(f) of the Core Strategy 2008 (CS), where they seek to protect character and appearance. There would also be a conflict with the SPD in the same regard, and with the aim of the National Planning Policy Framework to achieve well-designed places.

Living conditions

15. The single storey extension is situated close to the rear area of 6 Hall Drive. However, its projection beyond the rear elevation of that adjacent dwelling is not substantial, it extends along only part of the common boundary, and it is not positioned close to the main rear garden area of No 6. As a result, even in its current built form, it has not caused an undue impact upon the living conditions of the occupiers of the adjacent property with respect to its massing or from a loss of outlook. Whilst there is a window on the side elevation of No 6 facing the extension, this is a secondary window and therefore there has not been harm in terms of a loss of light.
16. For these reasons, I conclude that the single storey extension has not caused harm to the living conditions of the occupiers of No 6. Consequently, this element of the development accords with Policy DC1(c) of the CS, where it seeks to protect living conditions. There is also no conflict with the aims of the SPD in the same regard.

Conclusion

17. Whilst I have not found harm to result from the single storey extension or from the development on the elevation facing Hall Drive, I have found that there would be harm to the character and appearance of the area arising from the flat roofed box dormer on the side elevation of the annex facing the rear garden of the original dwelling.
18. For this reason, the proposal fails to accord with the development plan and there are no considerations in its favour that indicate that a decision should be

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made otherwise than in accordance with the plan. Therefore, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR

APPLICATION DETAILS

Application No:	23/0666/FUL
Location:	30, Woodvale, Middlesbrough, TS8 0SH
Proposal:	Two storey extension to side, part single storey extension to rear side and single storey extension to side, two storey bay extension to the front, including alterations to windows
Applicant:	Mr James Harker-Mason
Agent:	Andrew Bircham, Adapt Architectural Solutions Ltd
Ward:	Coulby Newham
Recommendation:	Approve with conditions

SUMMARY

The application seeks approval for extensions to the property as well as alterations to windows and the existing materials. Approval is sought for the following extensions as set out below:

- Two storey side extension
- Single storey side extension
- Part single storey extension to rear/side
- Two storey bay extension to the front

Following the consultation exercise, objections were received from nearby residential properties. Concerns have been raised with regards to loss of privacy, overshadowing, loss of light, noise, the use of the property and the scale and appearance of the proposed works. The application was re-advertised following an amended description. The scheme has been amended during the application process to change the proposed materials and remove a second floor side window.

Taking into account all material considerations, it is considered that the proposed extensions and alterations to the property would not harmfully dominate the host property or wider street scene and would also have no significant detrimental impact on adjacent properties. Whilst there would be some impact, it would not be so significant as to warrant refusal of the scheme. As such the scheme is able to accord with relevant Local Plan Policies CS5 and DC1.

SITE AND SURROUNDINGS AND PROPOSED WORKS

1. The application site is a large, two- storey detached dwelling with attached double garage which is located within the cul-de-sac of Woodvale. A property immediately adjacent to the application property is of similar in appearance in terms of materials

and general appearance however looking towards the rest of the cul-de-sac, properties are of a different design, therefore offering some variance within the immediate context. Further, it is noted that there is a mixture of building lines due to the orientation and layout of nearby properties. Plot sizes vary also. In the case of the application property, it is set within a more generous plot and is well set back from the road. The side of the property borders Stainton Way.

2. It is proposed to erect the following extensions:
 - Two storey side extension
 - Single storey side extension
 - Part single storey extension to rear/side
 - Two storey bay extension to the front
3. These are to be of matching brick however it is also proposed to clad the existing property to replace the existing tile, therefore changing the appearance of the dwelling.

PLANNING HISTORY

4. None relevant

PLANNING POLICY

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

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

Middlesbrough Local Plan

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

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

National Planning Policy Framework

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

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

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

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

DC1 - General Development, CS5 - Design, CS4 - Sustainable Development, UDSPD - Urban Design SPD

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

CONSULTATION AND PUBLICITY RESPONSES

During the initial consultation process, five third party representations were received (four objections and one comment).

A further round of re-consultation was carried out to advertise a change in description. The plans had not been changed at this point; the original description given to the application did not fully explain the amount of works proposed. From this exercise, a further three objections were received from existing respondents.

Comments received are summarised below:

39 Woodvale

- Loss of sunlight from extension
- Overlooking

40 Woodvale

- Query raised as to whether property is to be used as an HMO

38 Woodvale

- Concern of noise
- Loss of light from development
- Loss of privacy from development
- Impact on traffic

26 Woodvale

- Overbearing scale compared to host property
- Materials are not in keeping
- Concern of noise/disruption
- Previous smaller extensions to nearby property have been refused

32 Woodvale

- Lack of neighbour notification
- Concern of property becoming HMO
- Impact on road and noise from construction
- History of noise complaints at this site

Additional comments made after re-consultation:

38 Woodvale

- Loss of sunlight
- Loss of privacy
- Increase in traffic
- Impact on house prices

39 Woodvale

- Changes to plans do not overcome previous concerns

26 Woodvale

- Changes to plans do not overcome previous concerns

Public Responses

Number of original neighbour consultations	6
Total numbers of comments received	1
Total number of objections	7
Total number of support	0
Total number of representations	8

Principle of development

5. The application site is within an established residential area and set in a generous plot within the cul-de-sac. The general principle of extensions to the dwelling is acceptable subject to detailed consideration of the specific scale, design, appearance and relative impacts of what has been proposed. Please note there is no change of use proposed and this application seeks approval for domestic extensions only.

Impact on the character and appearance of the area

6. The host dwelling comprises buff brick with existing hanging tile. There is an attached garage to the side, open frontage and hardstanding/driveway to the front.
7. The relevant local plan policies to be considered in determining this application are Policies CS5 and DC1. Policy CS5 aims to secure a high standard of design for all development, ensuring that it is well integrated with the immediate and wider context. Policy DC1 takes account of the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials. This is to ensure that they are of a high quality and to ensure that the impact on the surrounding environment and amenities of nearby properties is minimal.
8. The proposed extensions and alterations to the dwelling are considered individually and cumulatively below which takes into changes to the scheme since the application was submitted;

Proposed Front Bay Extension

9. The proposed front bay extension would utilise the position and appearance of the existing bay, extending upwards to the first floor and sitting under a hipped roof. The Council's Design SPD states that extensions at the front of houses are generally unacceptable in principle as they assume an extremely conspicuous and inappropriate appearance. A limited form of well-designed extension may be acceptable in certain circumstances.
10. It is noted that there is some allowance for a modest and well-designed addition to the front in the SPD. In this case, the front extension would reflect an existing design feature (bay window) as well as retaining the existing projection from the front elevation. It would also sit under a hipped roof, matching the roof form of the host property. Although it will be noticeable in the public realm, it does offer subservience and considering that the application property is much more set back from the road than its neighbours, it is considered that there would not be a notable interruption to the building line which would significantly harm the street scene.
11. With this in mind, this element is judged to be acceptable on balance, given it is of limited scale.

Side/Rear Extensions to Dwelling (two storey/first floor)

12. The application proposes a first-floor extension to the side above the existing garage. It is acknowledged that this would be a discernible change to the bulk/massing of the host which would also be noticeable in the public realm. There was initial concern from the Case Officer with regards to increasing the width of the property however it is acknowledged that this element is set back from the front elevation by 3.9m and inset from the side boundary by 2m in accordance with the Design SPD which requires a 1m set back distance. Further, it is also set down from the ridge and contains a pitched roof, therefore offering subservience and integration with the host. Due to spacing within the street, there would not be a concern of terracing as set out within the Design SPD, as a result of there being no common building line.
13. Further, considering the width of the garage which this property benefits from, it is judged that this allows for an extension as proposed in that it would not appear too squat or disproportionate overall to the host dwelling.
14. It is also proposed to extend at the rear of the dwelling both at ground floor and first floor height however the additional built form would sit flush with the existing rear building line. In this case, there is a modest footprint achieved by the proposed extension so no conflict with the SPD in this regard.
15. The additions to the rear would not be visible in the street scene but care should be still taken to ensure appropriate design even if not in public view. This element would be set down from the ridge and of a fairly modest footprint which would still retain sufficient rear curtilage.

Side Extension (ground floor)

16. It is also proposed to erect a single storey side extension to the property. The Council's SPD states that when such an extension requires permission, the main consideration is the height and design. Upon initial assessment, there was concern from the Case Officer that the extension would appear rather tall in context with the host dwelling when looking from the side and front. However in this case, it is also noted the extension would set back from street scene with screening provided by the boundary treatment. Further, due to the angle of the dwelling within the plot, this extension would not be overly prominent when viewing the dwelling from the street scene.
17. Taking the above into consideration, the individual extensions are, on balance, considered acceptable.

Cumulative Impact

18. It is noted that the cumulative impact would clearly change the appearance and bulk of the dwelling but the site-specific circumstances are relevant. In this case, given the position of the application property set back from the road, it is considered that the additions would not appear overly prominent as to cause significant harm to the street scene, nor would they dominate the original form and scale of the host property to a degree which would warrant refusal of the scheme.

19. The proposal would also result in a change of materials. As originally submitted, it was proposed to render the new built form and replace the existing tile with a dark, near-black cladding. Concern was expressed by the case officer that a contrasting material such as render would not allow the extensions to integrate appropriately with the host and street scene and that the originally proposed cladding would be too dark, therefore emphasising the amount of built form proposed. In response, amended plans were secured which showed the extensions as matching brick and a brighter shade of cladding was to be incorporated. This has helped to soften and tie in the built form with the host dwelling.
20. In light of the above, the proposal would result in notable additions to the dwelling, which are also visible in the public realm. The additional mass/bulking is noted as rather significant extensions are proposed but overall, the extensions would be of subservient form and scale. Also considering the orientation and position of the host dwelling which is set back from the road, the proposals would not notably harm the character and appearance of the area to a degree which would warrant refusal of the scheme in this case. On balance, the scheme is considered acceptable, being in accordance with the general principles of the adopted Urban Design SPD as well as Local Plan Policy CS5.

Impact on privacy and amenity

21. With regards to potential overlooking from the proposed extensions, new glazing at the rear would sit flush with the existing fenestration on the dwelling's rear elevation. Third party representations raised concern of overlooking from the rear but it is noted that the only additional window at first floor height serves an en-suite bathroom so by its nature would be obscure glazed. A roof light is proposed to the rear of the extension and given its proximity to the adjacent property could be obscure glazed. It is also acknowledged that rooflights are also proposed to the rear of the main dwelling but given their position and location it is considered that these views would be akin to existing mutual overlooking already achievable by the host property at the rear.
22. No new first floor windows would be added to the side elevations, therefore mitigating views from this vantage point. As such this complies with the Council's Design SPD which states that windows within two-storey rear extensions should look down over the site's garden area and not be on side elevations. Front facing windows would look out on to the public highway, resulting in an acceptable relationship.
23. In terms of potential overbearing and overshadowing to nearby properties, no. 29 Woodvale sits at a perpendicular angle to the south of the application property. It would be closest to the bay window extension and single storey side extension but given the neighbour's position in relation to these elements and the resultant separation distance, there is not considered to be a concern of notable overbearing or overshadowing to this neighbour.
24. Similarly, no. 31 Woodvale which sits to the north of the application dwelling is also at a distance to the built form facing this neighbour as it follows the curvature

of the road. As such, this neighbour is also at an inset position which would not receive significant overbearing or overshadowing from the extensions.

25. No. 40 Woodvale sits directly behind the application site. The side of this neighbouring property would be faced with the rear extensions. As mentioned above, the rear extensions would sit flush with the existing rear building line of the main dwelling. Therefore, there is not considered to be a significant overbearing or overshadowing impact as the separation distance is largely maintained.
26. No. 39 Woodvale is positioned to the side of the application dwelling but with the neighbouring property itself set back. The rear and side extensions at first floor level would sit forward of the neighbour's garden area. It is also noted that no. 39 sits within a smaller plot which directly abuts no. 30.
27. It is acknowledged that when looking at the path of the sun, there would be some impact on levels of light during part of the day due to the extensions but considering that the overall sunlight is already impacted by the height and position of the host dwelling in relation to the neighbour, it is not considered that this additional impact from the extension would be significantly harmful as to warrant refusal of the scheme.
28. Third party representations also raised concern with regards to noise. In terms of construction noise this is temporary and also subject to control by separate Environmental Health legislation.
29. In light of the above, the proposal is considered in accordance with Local Plan Policy CS5.

Other matters

30. In terms of parking provision, the existing parking arrangement at the front of the site will still be retained. As a result, adequate in-curtilage parking provision will still be achieved ensuring there will be no implications on the highway.
31. Third party representations also raised concerns regarding the property being used as an HMO however this does not form part of the proposal.
32. Impact on houses prices was also raised in the representations however this does not form a material planning consideration.
33. It was also highlighted how another front extension to a nearby dwelling had been refused by the Council and that sets a precedent. When considering an application, each application is assessed on its own merits and cannot be speculative of future development.
34. It is also noted that a number of trees border the site as shown on the plan however these are not protected. Supporting information with the application states that their removal is not required in order to facilitate the proposed works.

Conclusion

35. In view of the above, cumulatively the proposal will have some impact on the amenity of neighbouring properties as well as notable changes to the appearance of the dwelling in the street. However it is considered that the impacts would not be so significant as to amount to a notable harm which would necessitate the refusal of the application. This is due to the design and scale of the extensions in relation to the site-specific circumstances of the application dwelling being suitably in keeping.
36. Officer recommendation is to approve subject to the following conditions

RECOMMENDATIONS AND CONDITIONS

Approve subject to the following Conditions

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

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

2. Approved Plans
The development hereby approved shall be carried out in complete accordance with the plans and specifications detailed below and shall relate to no other plans:
 - a) Location Plan - Received 22 December 2023
 - b) Block Plan – Received 22 December 2023
 - c) Proposed Ground Floorplan – Drawing no. 02 Rev B, received 22 December 2023
 - d) Existing and Proposed Elevations (inc Existing Floorplans) – Drawing no. 02 Rev C, received 21 March 2024
 - e) Proposed First and Second Floorplan – Drawing no. 03 Rev C, received 26 February 2024

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 plan (drawing no. 02 Rev C, received 21 March 2024). 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. Windows - Opaque

The rear facing rooflight within the extension hereby approved must be opaque glazed to a minimum of level 3. The opaque glazing must be implemented on installation and retained in perpetuity.

Reason: In the interests of the amenities of residents and to ensure a satisfactory form of development having regard for policy DC1 of the Local Plan

Reason for Approval

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document in that the scale, design and materials proposed are appropriate to the site location and there will be no demonstrable adverse impact on adjacent residential amenity. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including LDF Policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

INFORMATIVES

None

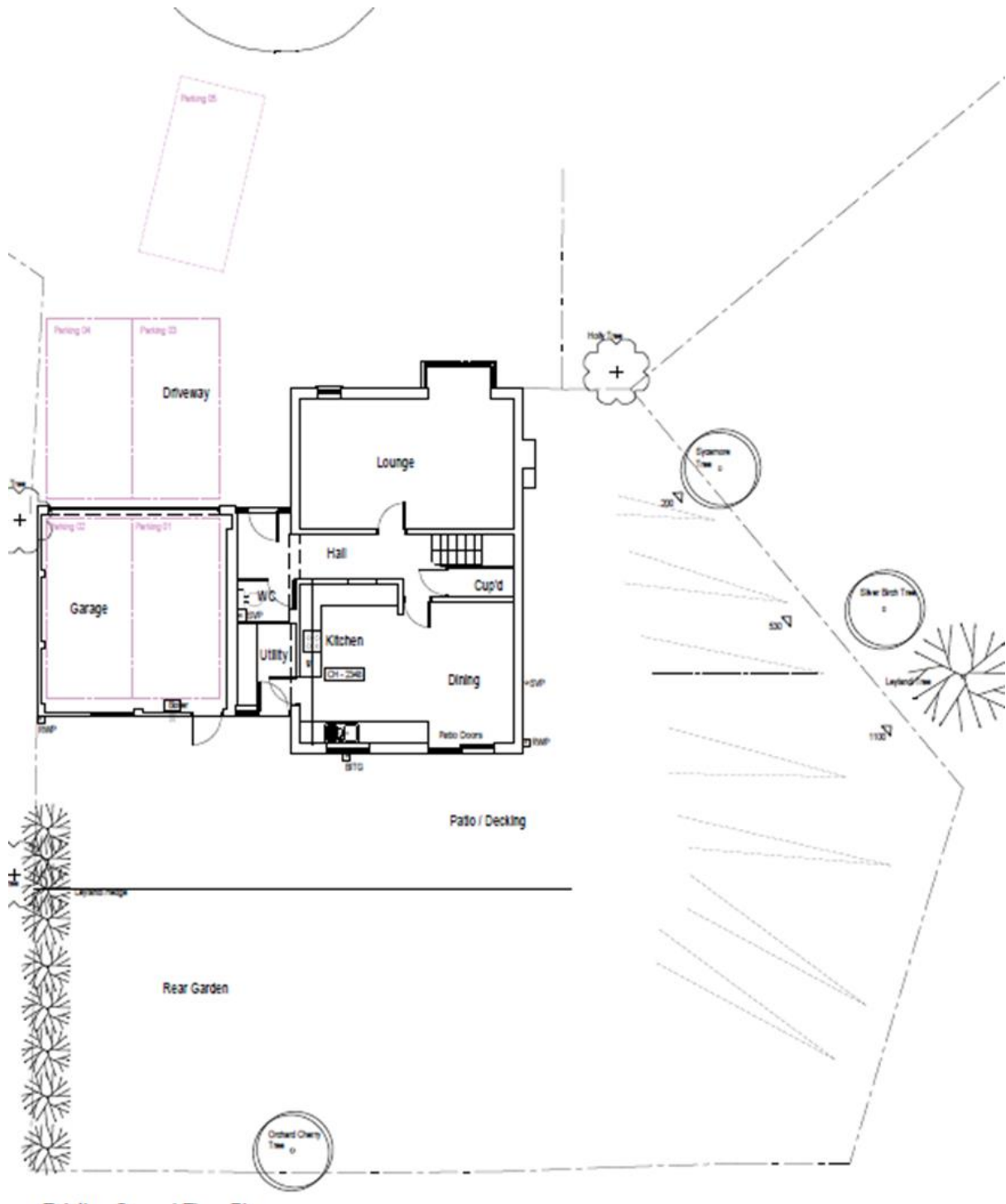
Case Officer: Victoria Noakes

Committee Date: 11 April 2024

Appendix 1. Location Plan

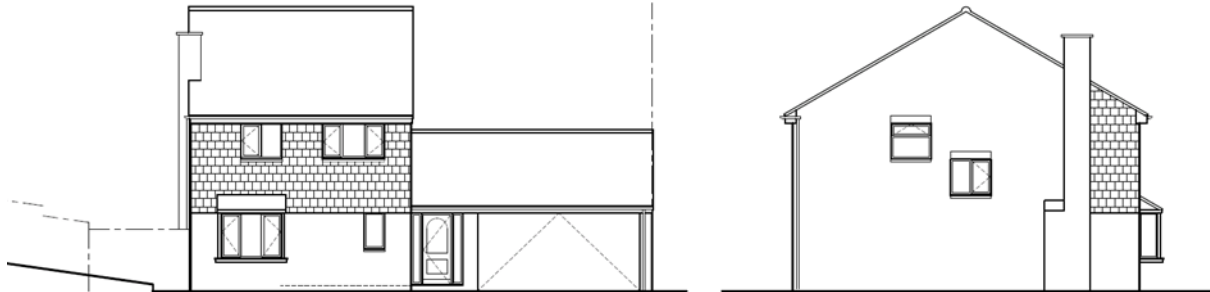


Appendix 2. Existing Site Plan



Appendix 3. Existing Elevations

Front and Side



Rear and Side

Scale 1:100



Appendix 4. Existing First Floor & Roof Plan

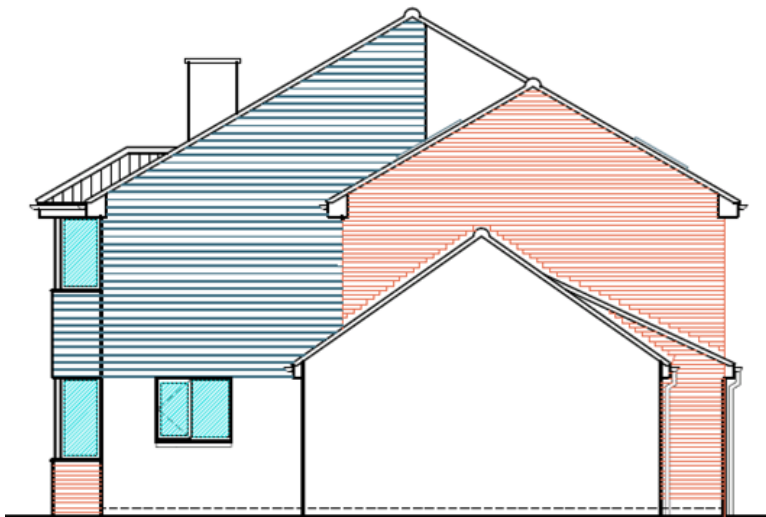


Appendix. 5. Proposed Elevations

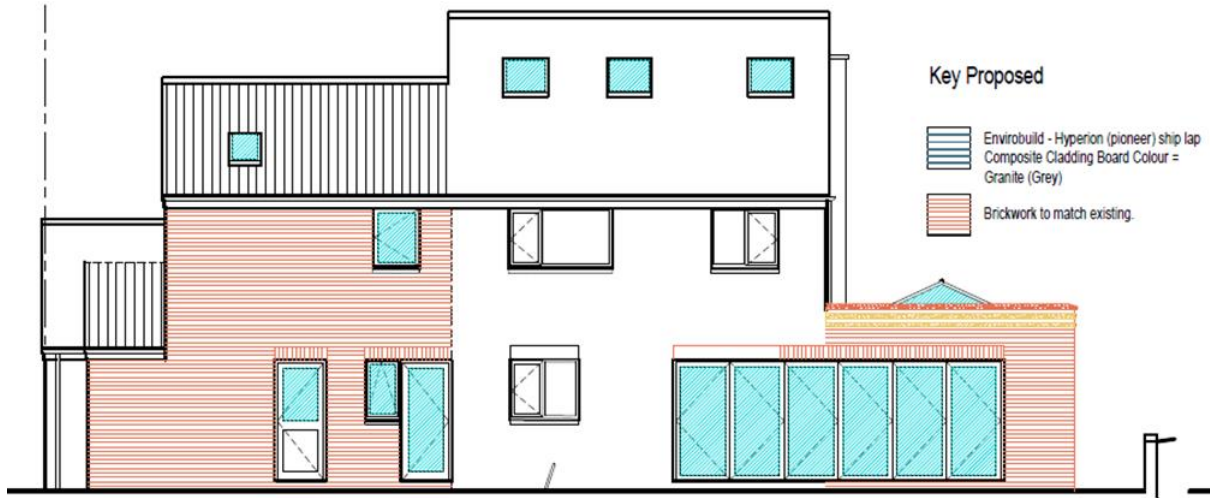
Proposed Front



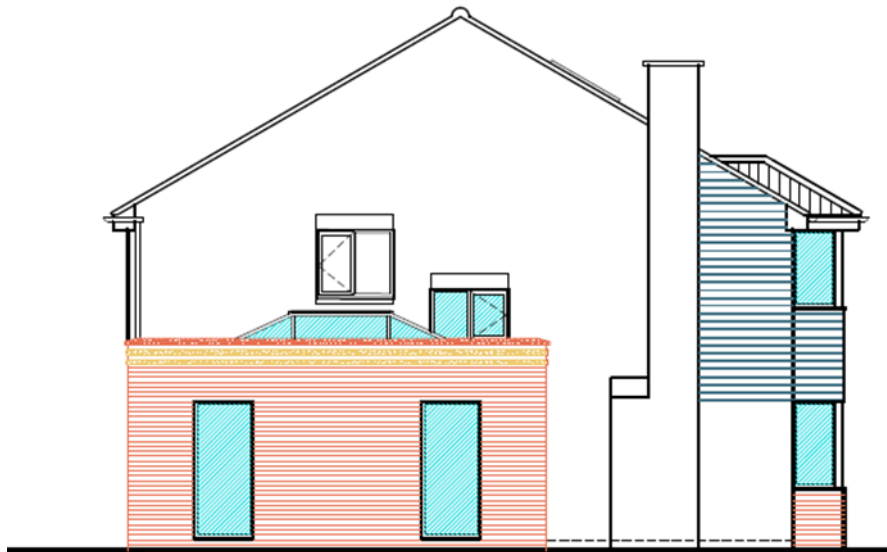
Proposed Side



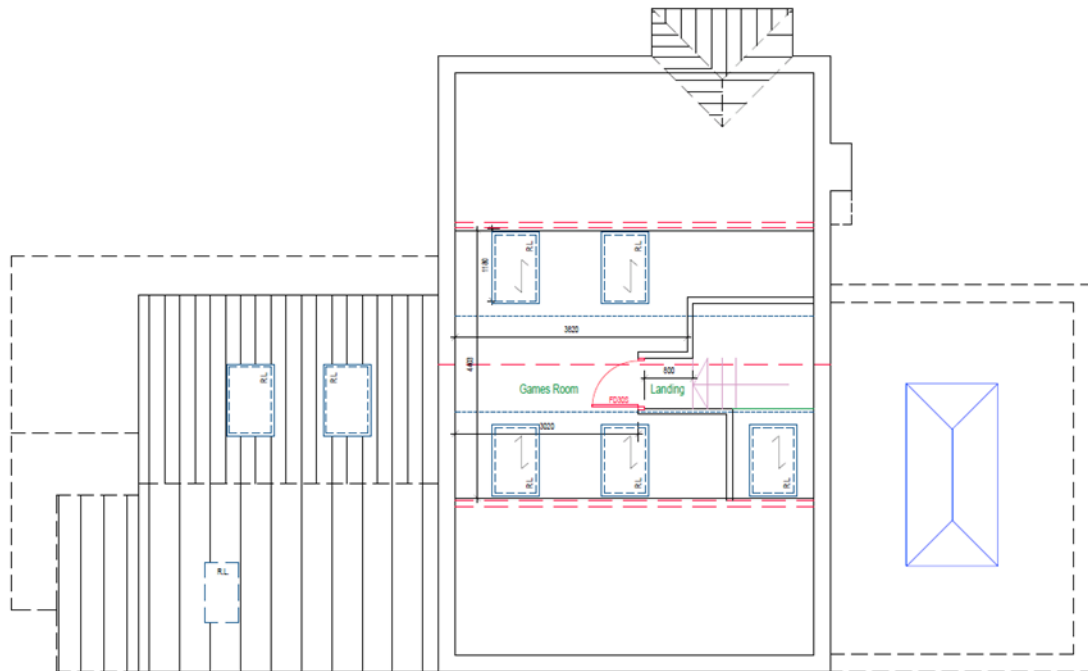
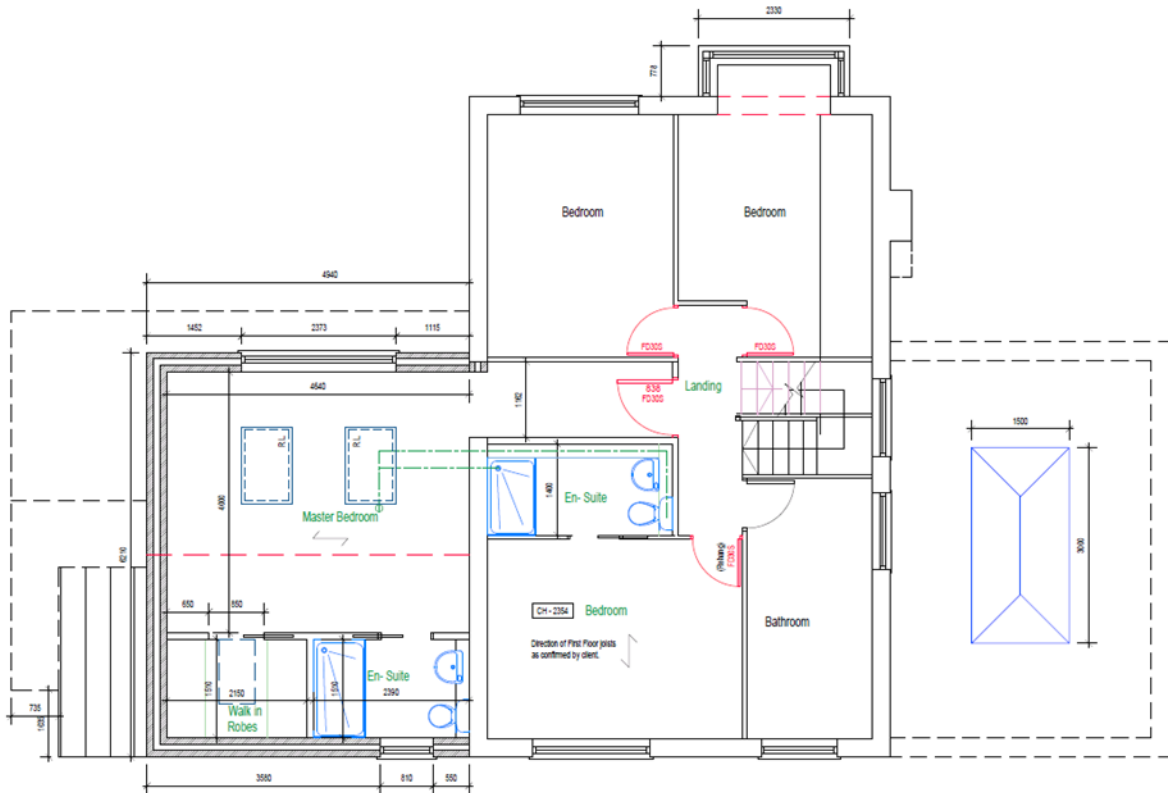
Proposed Rear



Proposed Side



Appendix. 7. Proposed First Floor and Roof Level Plans



Appendix. 8. Proposed Block Plan.



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Agenda Item 5

Planning Ref	Decision Date	Decision
23/0562/VAR Company / Surname Proposal Address	28-Feb-2024 Faraz Khaliq Erection of student accommodation building (Sui Generis) up to 3 storeys to cons 133-135 Flat G01, Southfield Road, Middlesbrough, Middlesbrough, TS1 3HB	Refuse and enforce
23/0648/FUL Company / Surname Proposal Address	28-Feb-2024 BASSETT PROPOSED SINGLE STOREY REAR EXTENSIONS 83, The Grove, Middlesbrough, TS7 8AN	Approve with Conditions
24/0020/FUL Company / Surname Proposal Address	28-Feb-2024 Chris Barnfield Removal of current old wooden conservatory and to be replaced with a single stor 6, Keighley Avenue, Middlesbrough, TS7 8SS	Approve with Conditions
23/0654/FUL Company / Surname Proposal Address	29-Feb-2024 Mr Malcolm Long Single storey extension to rear 81, Southwood, Middlesbrough, TS8 0UF	Approve with Conditions
23/0583/IPCON Company / Surname Proposal Address	01-Mar-2024 Helios Energy Renewable energy generating project West of the village of Camblesforth, To the North of the village of Hirst Courtney, North Yorkshire	File Closed
24/0028/IPCON Company / Surname Proposal Address	01-Mar-2024 The Planning Inspectorate Planning inspectorate consultation Byers Gill Solar Farm	File Closed
24/0045/FUL Company / Surname Proposal Address	01-Mar-2024 Mrs Kelly Removal of window and replace with french doors 2, Edwards Court, MIDDLESBROUGH, TS5 6RR	Approve with Conditions
24/0044/DIS Company / Surname Proposal Address	05-Mar-2024 South Tees NHS Foundation Trust Development of a new urgent treatment centre and new main entrance lobby to urge JAMES COOK UNIVERSITY HOSPITAL, Marton Road, Middlesbrough, TS4 3BW	Full Discharge Conditions
23/0671/FUL Company / Surname Proposal Address	07-Mar-2024 Mr & Mrs Sickling Single storey extensions to side and rear 8, Arlington Road, Middlesbrough, TS5 7RE	Approve with Conditions
24/0018/FUL Company / Surname Proposal Address	07-Mar-2024 Mr Geoffrey Ferguson Single storey extension to rear and single storey extension to side 24, Dixons Bank, Middlesbrough, TS7 8NT	Approve with Conditions
24/0083/DIS Company / Surname Proposal Address	08-Mar-2024 James Hall and Company Limited Construction of replacement petrol filling station and local convenience store w Former Roseberry Filling Station, Former Roseberry Filling Station, Acklam Road, Middlesbrough	Full Discharge Conditions
24/0008/FUL Company / Surname Proposal Address	11-Mar-2024 Lauri Pesur Single storey front extension, ground floor side extension. 10A, Emerson Avenue, Middlesbrough, TS5 7QT	Approve with Conditions
24/0019/FUL Company / Surname Proposal Address	11-Mar-2024 c/o sjd Architects Ltd change of use from two bed flat to ten bed HMO including side and rear extension 31 A, Roman Road, Linthorpe, Middlesbrough, TS5 6DZ	Refused
24/0025/ADV Company / Surname Proposal Address	13-Mar-2024 Stockton Retail Park Ltd (a British Land Burger King Uk Ltd, Aintree Oval, Middlesbrough, Stockton-on-tees, TS17 7BU	Approve with Conditions
24/0009/FUL Company / Surname Proposal Address	14-Mar-2024 Mrs Patricia Maxwell Installation of static double decker bus NEWPORT PRIMARY SCHOOL, St Pauls Road, Middlesbrough, TS1 5NQ	Approve with Conditions

24/0088/AMD	14-Mar-2024	Approve
Company / Surname	Mr Guy Brown	
Proposal	Non-material amendment for 1no. additional window to front and increase width on	
Address	8, Green Way, Middlesbrough, TS7 0DB	
24/0016/FUL	15-Mar-2024	Approve with Conditions
Company / Surname	Mr & Mrs neil Mcveigh	
Proposal	Single storey extension to rear (Demolition of existing conservatory)	
Address	15, Fernwood, Middlesbrough, TS8 0US	
24/0024/FUL	18-Mar-2024	Approve with Conditions
Company / Surname	Mr & Mrs Jon Shanks	
Proposal	Single storey extension to rear and part conversion of garage	
Address	28, Sinderby Lane, Middlesbrough, TS7 0RP	
24/0033/FUL	21-Mar-2024	Refused
Company / Surname	Naveed Ahmed	
Proposal	PROPOSED TWO STOREY SIDE EXTENSION, AND REMOVAL OF BOUNDARY WALL TO FRONT.	
Address	24, Lodore Grove, Middlesbrough, TS5 8PB	
24/0036/FUL	25-Mar-2024	Approve with Conditions
Company / Surname	Mr Stephen Mcgarrity	
Proposal	Single storey extension to rear	
Address	6, Farmside Mews, MIDDLESBROUGH, TS8 9UR	
24/0080/PNH	25-Mar-2024	Prior Notification Not Required/No Obj
Company / Surname	Mr Craig Postgate	
Proposal	Single storey extension to rear	
Address	108, Malvern Drive, Middlesbrough, TS5 8JQ	
24/0099/TCA	25-Mar-2024	Approve
Company / Surname	Swales	
Proposal	T1,2 lime trees in front garden. Good specimens that offer good amenity value. C	
Address	4, INNES COURT, Wyke Lane, Middlesbrough, TS7 0GH	
24/0039/FUL	26-Mar-2024	Approve with Conditions
Company / Surname	Mr Christopher Walker	
Proposal	Single storey extension to rear	
Address	63, Barberrry, Middlesbrough, TS8 0WB	
24/0053/FUL	26-Mar-2024	Approve with Conditions
Company / Surname	Home Group	
Proposal	We proposing to replace all existing high performance timber frame, double glaze	
Address	404, Marton Road, Middlesbrough	
24/0038/FUL	27-Mar-2024	Refused
Company / Surname	Mr Maqsood Hussain	
Proposal	Single storey extension to rear	
Address	41, Acklam Road, Middlesbrough, TS5 5HD	
23/0396/COU	28-Mar-2024	Refused
Company / Surname	C/O Harkin Associates	
Proposal	Change of use from a private dwelling to 5No. self contained accommodation units	
Address	66, Southfield Road, Middlesbrough, TS1 3EU	
23/0572/FUL	28-Mar-2024	Approve with Conditions
Company / Surname	LT Property Rentals LTD	
Proposal	Sin division of exciting B2/B8 warehouse unit and introduction of Roller Shutter	
Address	3, FAIRFIELDS, Brewsdale Road, Middlesbrough, TS3 6LR	

Total Decisions

4

Total Approvals

3

Total Refusals

1