

PLANNING AND DEVELOPMENT COMMITTEE

Date: Thursday 11th July, 2024
Time: 1.30 pm
Venue: Mandela Room

AGENDA

NO SITE VISITS WILL BE HELD PRIOR TO THE MEETING

1. Welcome and Fire Evacuation Procedure
2. Apologies for Absence
3. Declarations of Interest
4. Minutes - Planning and Development Committee - 6 June 2024 3 - 8
5. Schedule of Remaining Planning Applications to be Considered by Committee 9 - 132

Schedule – Page 9

Item 1 - Page 11 - Land at Strait Lane, Stainton

Item 2 – Page 47 - 51 Tollesby Road, TS5 7PT

Item 3 – Page 59 - 2, Helmsley Close, TS5 7LP

Item 4 – Page 73 - Grey Towers, Nunthorpe, TS7 0PW

Item 5 – Page 101 - The Avenue Play Area, Nunthorpe, TS7 0AG

Item 6 – Page 113 - 22, Dixons Bank, TS7 8NT
6. Applications Approved by the Head of Planning 133 - 136

7. Planning Appeals

8. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin
Director of Legal and Governance Services

Town Hall
Middlesbrough
Wednesday 3 July 2024

MEMBERSHIP

Councillors J Rostron (Chair), I Blades (Vice-Chair), D Coupe, M McClintock, I Morrish, J Ryles, G Wilson, J McTigue, J Thompson and D Branson

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 6 June 2024.

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

ALSO IN ATTENDANCE: Councillor Tom Livingstone, S Whatmore, S Longstaff and Mrs Chisholm

OFFICERS: P Clarke, C Cunningham, A Glossop, J McNally, S Pearman and S Thompson

APOLOGIES FOR ABSENCE: I Morrish, J Ryles and D Branson

23/44 **DECLARATIONS OF INTEREST**

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

23/45 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 11 APRIL 2024**

The minutes of the meeting of the Planning and Development Committee held on 11 April 2024 were submitted and approved as a correct record.

23/46 **SCHEDULE OF REMAINING PLANNING APPLICATIONS TO BE CONSIDERED BY COMMITTEE**

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

21/0304/RES, Erection of 55 bed hotel and spa with ancillary works adjacent to Acklam Hall

Members were advised that the application sought reserved matters consent for the erection of a 55 bed hotel (including a spa located at a basement level) to the east of Acklam Hall in the location of the eastern courtyard which had previously occupied the site.

The principle of a development in this location had been agreed as part of the 2012 hybrid application which gave outline consent for an extension to the Hall in the location of this proposed development.

The hybrid application was for 56no. dwellings, doctors surgery and parking, outline nursing home, works to Hall including extension and restoration and landscaping. Members were advised that the housing and doctors surgery (Tees Valley Hospital) had been completed.

The development included three storeys (two floors above ground and a basement). The proposed development included a car park to the south of the hotel and the retention of the existing car park to the south of Acklam Hall.

The application site was located on the Acklam Hall estate to the north of Hall Drive within the Acklam Hall Conservation Area. Acklam Hall was Middlesbrough's only grade I listed building. Within the wider site there were residential dwellings located to the east and west of Acklam Hall, separated from the Hall by a formal landscaped garden to the west and an area of grassed open space to the east. To the immediate northwest of the Hall sits St Mary's Church and to the northeast is the Tees Valley Hospital which sits directly north of the residential dwellings which are to the east of the Hall. To the south was an area of open space separating the site from Hall Drive, the Avenue of Trees and residential estates. To the north is an area of open space.

Members heard that during the application process, in response to consultee and officer

comments, a revised scheme was submitted. Whilst improvements were made in relation to the scale of the development (increasing the separation distance to the existing residential properties) and the design of the building. The changes did not go far enough to remove the concerns raised by Historic England, the Conservation Officer, or the planning authority.

The development was considered to result in harm to the significance of the heritage asset, namely Acklam Hall, a grade I listed building and its setting, and the Acklam Conservation area. The proposed development lacked subservience and would dominate views of the hall by virtue of its design and appearance. The scale and massing, whilst in broad accordance with the outline consent, appear incongruous as a result of the bulky design. The excessive levels of parking detract from the setting of the Hall and harm the visual appearance of the area. On balance, the economic and public benefits of the development were not considered to outweigh the harm caused to the heritage assets.

Following a consultation exercise resident's objections were received from 36 properties and one letter of support was received. A further 7 letters of objection had been received and were circulated to Members of the committee in addition to those objections it was advised that importantly objections had been received from Historic England.

Some of the comments are summarised below.

- Contrary to Local Plan
- Acklam Hall is becoming beleaguered by human activity that will spoil its historic setting;
- The relationship with the immediate surroundings;
- Size/scale too large;
- Should be single storey not two storey;
- How is it going to function;
- Design is not appropriate, does not sit comfortably with Acklam Hall;
- Out of keeping with the character of the area;
- Not sympathetic to the listed building or conservation area;
- Too much development on the site;
- Use not appropriate/not needed;
- Budget hotel not appropriate in this location;
- Says hotel but no reception, lounge, restaurant and bar;
- Should be left as recreational area for the community;
- Does not sit well with the church;
- Increase in antisocial behaviour from hotel and footpath to rear of houses;
- Loss of privacy to residents and patients in the hospital;
- Should face into courtyard to reduce impact on neighbours;
- Separation distances are to first floor of houses, they do not take into account single storey offshoots, extensions and garages;
- Residents have to abide by strict restrictions to extend, so should the Hall;
- Loss of views of listed building;
- Site is a route through the site for pedestrians including school children;
- Loss of trees;
- Loss of open space;
- Wear and tear on grounds;

Some of the comments received in support of the application are summarised as follows:

- When purchasing our house next to the Hall we were told there was plans for a hotel and spa and a small local private hospital;
- The design is innovative and of a high quality and compliments the Hall excellently and is in line with the design of the newly built hospital.
- It will enhance the appearance as you drive up and is far better than the school buildings that were there.
- Position, design and boundary walls/hedging should not cause excessive Noise, pollution or damage to the existing grounds or wildlife due to it presently being just barren land.
- Space between the hotel and residents high rear walls will hopefully give the residents the privacy they require.
- Car park will be screened and a small hotel development vehicle movement would not be excessive.

- There are problems with traffic on Hall Drive with local football clubs but this is only once a week. Hotel traffic will not increase this as it is at different times (unlike housing at St David's Way)

Objections had been received from Historic England and the Conservation Officer in this regard. The revised details also failed to respond to the issues raised by the Local Highway Authority in relation to excessive parking provision, and failed to provide any mitigation in relation to nutrient neutrality. This resulted in objections from the Local Highway Authority and Natural England respectively.

Members were advised that the proposed development was considered to be in conflict with local plan policies CS4, CS5 and DC1, and paragraphs 114, 116, 135, 203, 205, 206, 208 and 212 of the NPPF. As a result the application was recommended for refusal.

The Head of Planning stated that there were four issues for members to consider as part of the application.

- Principle of development
- Design – impact on the listed building
- Transport issues and location of the car park
- Nutrient Neutrality

The Head of Planning advised that the principle of development had been established.

It was advised that in relation to the issue of transport and parking, approval had been granted for a car park in front of the extension and the removal of the car park in front of the hall as part of the original permission however it was advised that this had changed in this application and it was introducing an additional car park which was over and above what was in the original application that had been approved.

Members were advised of two transport issues associated with the application the transport assessment had been carried out based on the original application and a new assessment had not been completed and also what was the need for an additional carpark the demand and need had not been identified in the application.

Design issues included that the car parking remains to the front of the Hall whilst a new car park is proposed to the front of the hotel extension. Restricting the car parking to the new area would help in creating a sense of dignity to the front of the house, that historically would have been the case, as well as improving the historic view, to and from the treelined avenue to the south. As proposed the distracting clutter of carparking is worsened. The original proposal was greener and had more landscaping than what is currently being proposed.

Members were advised that while it was considered that, the revised scheme was an improvement over the original proposal it failed to meet the high quality requirements for a building in the location proposed located immediately adjacent to the Hall, and part of the landscape setting and views of high significance from the south of the Hall. The use of design features including the bay windowed rooms, historic gables and semi-blind row of tall 'carriage' arches resulted in an uncoordinated, mismatched development with references that do not work well together. The proposed hotel would be conspicuous in its appearance in relation to the Hall rather than harmonious with it.

Members were asked to consider what the public benefit associated with the proposal and does it outweigh the concerns. As part of the outline permission development was granted in this general location to support the long term viability of the Hall as part of this the developer had submitted information to support this but it is the officers view that the information provided does not outweigh the public benefit for the harm that would be caused by this proposal. It had not been demonstrated why a hotel of this size and scale is required.

It was advised that nutrient neutrality impact would need to be addressed by the applicant who would need to provide their own source of mitigation which had not been provided to date.

Members were advised that it was recommended to refuse the application for the detailed reasons set out in the report.

The agent for the developers addressed the committee and raised the following points:

- Disappointed that the recommendation was to refuse the hotel and spa would be of a high quality
- Full approval had been granted previously
- Restoration of the Hall had been completed and included a restaurant and offices
- The extension of the Hall was essential for its long term viability
- The Hall was currently not attracting enough people to events including weddings the benefit of opening the hotel and spa would support this
- It would bring economic benefits to Middlesbrough
- Contribute to the local/regional economy
- The nutrient neutrality scheme had come to light after the outline submission and the developers were looking at private schemes
- Could the application be deferred to enable work with council officers

A resident spoke in objection to the application the following issues were raised:

- Have been living with the application for 3 years
- Residents appreciate that the Hall needs to be financially viable
- Proposal is big, ugly and inappropriate
- It looks like a motel with a carpark
- Land by the tree is higher than the present carpark
- The design is not fitting to a Grade I listed building
- Too many bedrooms in the hotel.

The local Ward Councillor also spoke in objection to the application and raised the following concerns:

- Traffic issues already on Hall Drive, busy road with school traffic and a bus route
- The design is conspicuous, eyes are drawn to the extension and not the Hall

In response to the request that the application be deferred the Ward Councillor stated that residents had been living with uncertainty for 3 years and refusing this request would be the correct decision.

Members debated the application and were in agreement that the design of the application was not complimentary and was out of character members felt that the extension distracted from the Hall.

ORDERED: that the application be refused for reasons detailed in the committee report.
24/0040/FUL, 2, Helmsley Close, Middlesbrough, TS5 7LP, two storey extension to side, part rear two storey extension and part single storey extension to rear (Demolition of existing garage)

Members heard that the application sought planning approval for a two storey extension to the side of a semi detached dwelling along with a part single and part two storey extension to the rear. Works included the demolition of the existing garage.

Members were advised that following objections from neighbours revised plans were submitted to break up the mass of the extension along the side and reposition the two storey element at the rear to move it away from the immediate shared boundary.

Three objections had been raised from residents with regards to the extensions scale, design and impacts on privacy and amenity.

The Development Control Manager advised that the revised extensions were of an appropriate size and scale relative to the existing house and plot size and would be sufficiently in keeping with the host property and without any significant impact on the amenities associated with neighbouring properties.

Members heard that the two-storey rear extension was slightly unusual being central to the rear elevation but on balance the development was considered to be in accordance with Local

Plan Policies DC1 and CS5 and the requirements of the Urban Design SPD.

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

- Two storey extension significantly protrudes the boundary line
- Not in keeping with surrounding properties
- Detrimental effect on rear garden
- Impact on property outlook which in turn would effect my mental and physical health
- Increased level of noise
- Impact on car parking

The Ward Councillor also spoke in objection to the application and raised the following concerns:

- Issue with the 2 storey rear extension as not in keeping with the area
- No objection to the single storey extension as this is within keeping of the character in the local area
- Property would overlook bungalows on Sledmere
- Looks like over-development
- The area consists of small bungalows and semi-detached houses
- It would be larger than neighbouring properties
- Smaller extensions had previously been refused in the Acklam area

Members debated the application and felt that the scale of the extension was overbearing and it would have a detrimental impact on the Streetscene. All members were in agreement that the size of the extension was disproportionate. Members however considered a reduction in scale could be reasonably achieved.

ORDERED: that the application be deferred to allow the applicant to consider reducing the scale of the proposal.

23/47

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

23/48

PLANNING APPEALS

None

23/49

ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.

None

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Agenda Item 5

Planning & Development Committee Schedule - 11-Jul-2024

Town Planning applications which require special consideration

1	<p>Reference No: 23/0527/MAJ</p> <p>Ward: Stainton And Thornton</p>	<p>Applicant: T Manners & Sons Ltd</p> <p>Agent:</p>	<p>Description: Erection of 22no. dwellings, provision of access, landscaping and ancillary works</p> <p>Location: Land at Strait Lane, Stainton, Middlesbrough</p>
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2	<p>Reference No: 24/0032/FUL</p> <p>Ward: Acklam</p>	<p>Applicant: Mr Mohamed Alnaggar</p> <p>Agent:</p>	<p>Description: External alterations to garage and erection of boundary treatment (outbuilding - permitted development)</p> <p>Location: 51 Tollesby Road, Middlesbrough, TS5 7PT</p>
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3	<p>Reference No: 24/0040/FUL</p> <p>Ward: Acklam</p>	<p>Applicant: Star Asaad</p> <p>Agent: Lee Wardman</p>	<p>Description: Two storey extension to side and single storey extensions to rear (Demolition of existing garage)</p> <p>Location: 2, Helmsley Close, Middlesbrough, TS5 7LP</p>
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4	<p>Reference No: 24/0056/MAJ</p>	<p>Applicant: Mrs Amy Ward</p> <p>Agent:</p>	<p>Description: 39 no. dwellings (including 11 no. additional)</p>
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	Ward:		<p>dwellings and 28 replan)</p> <p>Location: Grey Towers, Nunthorpe, Middlesbrough, TS7 0PW</p>
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5	<p>Reference No: 24/0164/FUL</p> <p>Ward: Nunthorpe</p>	<p>Applicant: Middlesbrough Council</p> <p>Agent:</p>	<p>Description: Installation of play equipment</p> <p>Location: The Avenue Play Area, The Avenue, Middlesbrough, TS7 0AG</p>
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6	<p>Reference No: 24/0179/COU</p> <p>Ward: Marton East</p>	<p>Applicant: Mr Stephen Ashton</p> <p>Agent: Adapt Architectural Solutions Ltd</p>	<p>Description: Change of use from residential dwelling (C3) to care facility (C2)</p> <p>Location: 22, Dixons Bank, Middlesbrough, TS7 8NT</p>
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APPLICATION DETAILS

Application No:	23/0527/MAJ
Location:	Land at Strait Lane, Stainton, Middlesbrough
Proposal:	Erection of 22no. dwellings, provision of access, landscaping and ancillary works
Applicant:	T Manners & Sons Ltd
Agent:	ELG Planning
Ward:	Stainton And Thornton
Recommendation:	Approve with conditions subject to a s106 agreement

SUMMARY

Permission is sought for the erection of 22 dwellings with associated highways, landscaping and infrastructure, on the Rose Cottage housing development site in Stainton.

Following a consultation exercise objections were received from residents of 23 properties, and Stainton and Thornton Parish Council.

The site is allocated for housing in the Local Plan therefore the principle of residential dwellings on this site is established. The scheme has been amended since its initial submission to address a host of design and layout related matters. It is considered that the proposed development would provide a good mix of dwelling types which are of a good quality design and use of materials with adequate landscaping in the form of private gardens and with a suitable layout overall.

It is considered that the proposed development will not result in a significant detrimental impact on the amenities associated with adjacent properties / uses and will adequately provide for the amenity and privacy of future occupiers of the development. No technical objections have been received in relation to highways matters and flood risk.

The development meets the requirements of the relevant national planning guidance detailed within the NPPF and Local Plan policies, specifically H1, H11, H12, H27, H31, CS4, CS5, DC1. The recommendation is for approval of the application subject to conditions and a S106 agreement.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The site is located to the northeast of Strait Lane approximately 60m from the junction with Low Lane. The site comprises 0.6 hectares of open green space and an existing access point from Strait Lane. Existing residential dwellings are located immediately adjacent to the site

on the southeast and northeast boundaries. A care home is located on land to the northwest. To the southwest Strait Lane separates the site from more residential dwellings.

Permission is sought for the erection of 22 dwellings and associated works. The dwellings proposed consist of:

- 11 two bed dwellings
- 8 three bed dwellings
- 3 four bed dwellings

The proposed dwellings comprise 9 pairs of semi-detached dwellings including 6 bungalows, one detached dwelling and a terrace of 3 dwellings.

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

Documents submitted in support of the application include:

- Planning Statement
- Design and Access Statement
- Transport Statement
- Flood Risk Assessment
- Ecology Assessment
- Air Quality Assessment
- Noise Assessment
- Statement of Community Involvement

PLANNING HISTORY

M/FP/0141/16/P - Erection of 1no 3 storey (85 bed) residential care home with associated access, parking and landscaping; Additional outline permission for 1no supported living accommodation block with associated access

Approve with conditions 23rd May 2016

16/5284/OUT - Outline application for the erection of 1no assisted living accommodation (C2 Use). Refused 6th March 2018. Decision Appealed and Dismissed 22nd January 2019

PLANNING POLICY

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

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

Middlesbrough Local Plan

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

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

National Planning Policy Framework

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

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

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

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

DC1 - General Development, CS5 - Design, CS4 - Sustainable Development, CS17 - Transport Strategy, UDSPD - Urban Design SPD, H1 - Spatial Strategy, CS1 - Spatial Strategy, H11 - Housing Strategy, HGHDC - Highway Design Guide, H31 - Housing Allocations, H12 - Affordable Housing, CS18 - Demand Management, H9 - Stainton, CS19 - Road Safety, H27 - Stainton, CS6 - Developer Contributions, MWC4 - Safeguarding Minerals, MWP1 - Waste Audits, Stainton and Thornton Neighbourhood Plan

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

CONSULTATION AND PUBLICITY RESPONSES

Consultation letters were sent to local residents, a press notice issued and site notices posted at the site. Following receipt of revised plans, a further consultation exercise was carried out. Objections have been received from residents of 23 properties. The comments received are summarised below.

Resident objections:

- a) Concerned about the position of the FW drainage and the impact from it's construction on residents;
- b) Increased risk of flooding;
- c) Inadequate information in flood risk assessment (out of date) and drainage strategy;
- d) Boundary treatments not suitable in terms of design, appearance and maintenance issues;
- e) More robust masonry boundary treatment would not be a pleasant surrounding and would create a feeling of enclosure;
- f) Boundary treatments should be set in so no shadowing falls on neighbouring land;
- g) Do not support the widening of the access road bringing a considerable amount of traffic through an already busy entrance;
- h) Inadequate access, poor visibility;
- i) Increase in traffic;
- j) Junctions in area are already busy;
- k) High density, over development;
- l) Inadequate parking provision, cars will park on land in neighbouring ownership;
- m) Home will overlook a car parking area;
- n) Lack of visitor parking;
- o) Poor safety for residents due to surrounding roads;
- p) Location of refuse store harms visual amenity even with trees planted;
- q) Properties and gardens will not be adequately maintained;
- r) Impact on privacy;
- s) Increase in noise;
- t) Impact on use of gardens for care home residents;
- u) No information in relation to street lighting or fire engine response attendance;
- v) Impact on access by emergency services;
- w) Harm to character and appearance of area;
- x) Harm to residents living conditions, elderly residents in care home;
- y) Changes give consideration to care home but don't go far enough;
- z) Inappropriate use for location, not suitable for affordable social housing;
- aa) No facilities for play in local area;
- bb) Not a sustainable site;
- cc) Lack of public transport;
- dd) Increase risk of antisocial behaviour and crime;
- ee) Houses not in keeping with the area;
- ff) Basic and bland house types
- gg) Detrimental visual appearance;
- hh) Lack of infrastructure including Doctors, Schools, shops and broadband;
- ii) Loss of light;

- jj) Loss of green space;
- kk) Impact on wildlife;
- ll) More houses are proposed off Low Lane, none are needed here;
- mm) Too many new houses in the area;

Received From:

1. 11 Buttercup Grove;
2. 19 Buttercup Grove;
3. 23 Buttercup Grove;
4. 27 Buttercup Grove
5. 35 Buttercup Grove;
6. 2 Clover Field Road;
7. 4 Clover Field Road
8. 8 Milk Thistle Close;
9. 10 Milk Thistle Close;
10. 11 Milk Thistle Close;
11. Montpelier Manor, 46 Strait Lane;
12. 5 Primrose Way;
13. 7 Primrose Way;
14. 9 Primrose Way
15. 11 Primrose Way;
16. 18 Primrose Way;
17. 21 Primrose Way;
18. 24 Primrose Way;
19. 28 Primrose Way;
20. 30 Primrose Way
21. 34 Primrose Way;
22. 6 Rose Cottage Gardens; and,
23. 4 Snapdragon Way.

Planning Policy – MBC

The application site is part of a larger site allocated for residential development in Policies H27 and H31 of the adopted Development Plan. The principle of housing development on the site has, therefore, already been established.

Policy H1 and H9 identify the land at Stainton, on the wider Rose Cottage site, for development of 325 dwellings. The proposed development will bring the total number on the site to 336.

The conflict with these policies is minor and must be balanced against changes in the NPPF. Any policies that restrict the number of dwellings on a site are considered to be out of date and not in line with national planning policies which seeks to support developments that make efficient use of land where housing isn't limited by number, but density is instead based on a design led approach. This view has been upheld at appeal by the Planning Inspector through multiple appeal decisions in Middlesbrough.

The density of the proposed development is in keeping with the adjacent development. As such, it would not be appropriate to refuse a planning application on the grounds that the proposed number of dwellings exceeds the maximum figure stated in the Local Plan Policies.

Highways – MBC

The development has been considered in relation to the impact on capacity and safety of the local highway network. Developer contributions are required through a s106 agreement towards strategic highways works.

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

No objections are raised subject to relevant conditions.

Local Flood Authority – MBC

No objections subject to relevant conditions requiring detailed specification of drainage scheme including its management and maintenance.

Environmental Health – MBC

I refer to your recent consultation regarding the above application. I have reviewed the reports submitted with the application and have the following comments:

Air Quality

The NJD Environmental Associates air quality assessment ref NJD23-0187-002R dated September 2023 is accepted and there will be no impact on local air quality as a result of the development. However, the mitigation measures to minimise dust control presented within the report should be adhered to.

Noise

The NJD Environmental Associates noise assessment ref NJD23-0187-001R dated September 2023 is accepted and provided the noise mitigation measures as stated within the report (external barrier, glazing and ventilation) are installed then there should be no impact on noise as a result of the development. A condition will be required to ensure the development is carried out with the necessary mitigation.

Land Contamination

The Arc Environmental Desk Top study and Ground Investigation report has been reviewed and the site does not have any issues in relation to land contamination and is suitable for its use as residential. If any contamination is found this must be reported and appropriately dealt with.

Construction Management

The NJD Environmental Associates air quality assessment ref NJD23-0187-002R dated September 2023 contains controls to minimise dust emissions during construction and these controls should be adopted. There are also controls on noise and dust within the construction management plan submitted with the application. However there are no details as to whether piled foundations will be required and if so what type of piling will be undertaken. Before final comments on construction management can this additional information on piling be provided?

It should be noted that this matter is not controlled by planning legislation and can be dealt with through other processes. A revised Construction management plan was received but no further comments were received from Environmental Health.

Waste Policy – MBC

Residents will be required to make their refuse and recycling receptacles available for collection at the nearest public highway and return these back to their properties after collections.

Natural England

No objection – subject to appropriate mitigation being secured

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Teesmouth and Cleveland Coast Special Protection Area and Ramsar site <https://designatedsites.naturalengland.org.uk/>.
- damage or destroy the interest features for which Teesmouth and Cleveland Coast Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- Full payment for the allocated 26.59 credits from the Nutrient Mitigation Scheme. This can be evidenced through completion of Section 9 in the relevant Credit Certificate.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Secured by Design – Cleveland Police

I would like to make you aware that Cleveland Police operate the "Secured By Design" initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments.

I recommend applicant actively seek Secured By Design accreditation, full information is available within the SBD Homes 2023 Guide at www.securedbydesign.com

I encourage contact from applicant/agent at earliest opportunity, if SBD Certification is not achievable you may incorporate some of the measures to reduce the opportunities for crime and anti-social behaviour. This is expected as reference to Secured By Design is highlighted within the Design & Access Statement.

Once a development has been completed the main opportunity to design out crime has gone. The local Designing Out Crime Officer should be contacted at the earliest opportunity, prior to submission and preferably at the design stage.

- The National Planning Policy Framework 2023 paragraph 92(b), which states that Planning policies and decisions should aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...
- The National Planning Policy Framework 2023, paragraph 130(f) which states that "Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".
- Policy CS5 (Design) of the Local Development Framework, section e states, creation of a safe and attractive environment, at all times of the day and night, where crime and disorder, or fear of crime, does not undermine quality of life or community cohesion by incorporating the aims and objectives of both Secured By Design and Designing Out Crime concepts into development layouts and is therefore a material consideration.

- Another material consideration is Section 17 of The Crime and Disorder Act 1998.

Further information on the Secured By design initiative can be found on www.securedbydesign.com

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

Strong consideration should also be given in relation to the provision of On- Site Security throughout the lifespan of the development. There is information contained within the Construction Site Security Guide 2021 also on the SBD website that may assist.

In addition to the above, and having viewed the proposal I would also add the following comments and recommendations.

- All doors and windows are recommended to be tested and certified PAS24:2020/2016 standards (or equivalent)
- Dusk til dawn lights are recommended to each elevation with an external door-set.
- It is recommended that Plots 5,6,9,10, 13 and 18-21 having an additional dusk/dawn light fitted on side elevation where in curtilage parking is proposed.
- ALL roadways and pathways, adopted or otherwise, are recommended to be to BS5489:2020 standards with a uniformity preferably to Secured By Design recommended one of 40%, as a minimum 25%.
- Proposed boundary treatments as outlined are recommended to be slightly altered.
 - o All proposed 1.8m high treatments onto public realm are recommended to be raised to 2.0m in height.
 - o Those to rear of Plots 1-13 however, onto open space are recommended to be increased to 2.2m.
 - o Locate all side boundary treatments as far forward to the front elevations of the properties as possible to eliminate recesses to Plots not having side in curtilage parking.
 - o Rear boundary treatments to Plots 15-24 should not have any gap between them and existing fences to properties already there that would allow access between them.
- The proposed low level knee rail on NE corner by the easement is not recommended as it allows for needless permeability into the site. If this cannot be secured then reconfiguration to bring it within the front street scene is recommended to maximise surveillance opportunities and not have it as a potential crime generator.
- A non-leaky cul-de-sac design is preferred.

Cleveland Fire Brigade

Cleveland fire Brigade offers no representations regarding the development as proposed. However Access and Water Supplies should meet the requirements as set out in:

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

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 18 tonnes. This is greater than the specified weight in AD B Vol 1 Section B5 Table 13.1.

Cleveland Fire Brigade also utilise Emergency Fire Appliances measuring 3.5m from wing mirror to wing mirror. This is greater than the minimum width of gateways specified in AD B Vol 1 Section B5 Table 13.1.

Recommendations

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

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

Northern Gas

No objections, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by Northern Gas Networks in its role as a Licensed Gas Transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where Northern Gas Networks knows these they will be represented on the plans as a shaded area and/or a series of x's. Information with regards to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated.

No liability of any kind whatsoever is accepted by Northern Gas Networks, its agents or servants for any error or omission. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue.

Northumbrian Water

Thank you for consulting Northumbrian Water on the above proposed development.

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

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

We do not have any issues to raise with the above application, provided it is approved and carried out within strict accordance with the submitted document / drawing entitled Flood Risk Assessment and Drainage Strategy Revision D. This document reflects our pre-planning enquiry advice.

We request that a condition be attached to any planning consent granted, so that the development is implemented in accordance with the named document.

Northern Powergrid

No response

Stainton and Thornton Parish Council

I am writing on behalf of Stainton and Thornton Parish Council to object to the above planning application.

This is the second application for this site and although the developer has proposed to reduce the number of dwellings from 24 to 22 most of our objections to the first application still apply to this second application, namely that the site is being over developed that will result in problems with access, parking and cause drainage and flooding risk to adjoining properties.

The new application has tried to address some of our objections by increasing the number of parking spaces to 2 per dwelling and increased visitor parking to 4 for the whole site. However, because of the type and density of the development, we still do not think these will be sufficient and the new lay out will result in on street parking that could cause access problems for service and emergency vehicles, or worse still, cause visitors to park on Strait Lane OR in the adjacent Montpelier Manor Care Home, something that is totally unacceptable.

Another of our concerns is that of Drainage and Flood Risk. The topography of the site shows that it sits towards the bottom of a gentle slope and has an underlying strata of boulder clay. Anecdotally, residents from Rose Cottage to the south of the site are complaining that their gardens have been flooded this winter and IF the proposed development is built out as planned, then surface water drainage could be a problem particularly for the adjacent property, Montpelier Manor. Every effort should be made to prevent this from happening.

As it stands, the proposed development could have a negative impact on the amenity currently enjoyed by the residents, staff and visitors to the care home.

Even though the number of dwellings has been reduced from 24 to 22 AND the number of bungalows has been increased, the proposed density of the development will impinge upon the privacy of the residents in the care home. The proposed treatment to delineate the development from the care home and adjacent properties should be more structurally substantial, such as brickwork rather than the proposed timber fencing. This would be more aesthetically pleasing and require no long-term maintenance, something that fence posts and timber fencing would require on an annual basis.

Access to the development is via Strait Lane over land currently owned by Montpelier Manor Care Home and I understand that the necessary easements and permissions have NOT been agreed between the developer and the Methodist Homes (MHA) who own Montpelier Manor, to allow any alteration/improvement/adoption by the LPA. A similar situation also arises with the route the drains are proposed for this development. In order to reach the mains drainage system, plans currently show that the drains will cross Montpelier Manor owned land, but no permission has been sort or granted to allow the development to proceed.

We believe this development will introduce extra/additional traffic and so add a further risk to people's safety and put increase the accident potential to the Strait Lane/Low Lane junction. We hope these views and comments will be taken into consideration when deciding whether to give consent to the planning application and we hope you will reject the application as presented.

Ward Councillor

No response

PLANNING CONSIDERATION AND ASSESSMENT

1. During the application process revised plans were received in response to comments raised by consultees and the planning case officer. The revised plans made changes to the proposed development including;
 - reducing the number of proposed dwellings from 24 to 22,
 - including four bed dwellings within the housing mix,
 - Increased number of bungalows from 3 to 6,
 - removal of refuse stores at the front of properties,
 - increased parking provision including specific visitor parking,
 - a revised layout and the removal of 'possible' cut through.The revised plans are the subject of this report.

Principle of Development

2. The application site is part of a larger site allocated for residential development under Policies H1, H27 and H31 of the adopted Local Development Plan. The principle of housing development on the site has, therefore, already been established.
3. Policy H1 identifies land at Stainton for 325 dwellings. The other parts of the allocation site have now been completed and delivered 314 dwellings. However, Policy H1 advises that proposals for more than the maximum dwelling requirements will be considered where it can clearly be demonstrated through a design led approach and having regard to the characteristics of the surrounding area and any site specific policy requirements that an alternative capacity is more appropriate.
4. It should also be noted that following changes in the NPPF, any policies that restrict the number of dwellings on a site are considered to be out of date and not in line with national planning guidance which seeks to support developments that make efficient use of land where housing isn't limited by number, but density is instead based on a design led approach. This view has been upheld at appeal by the Planning Inspector through multiple appeal decisions in Middlesbrough.
5. As such, the fact that the proposal would result in a greater number of properties than defined within the Local Plan Policy is reason for refusal of the application and the application has to be considered against other relevant policies and material planning considerations.
6. Policy H9 advises that the Council aspires to see predominantly three and four bedroom detached and semi-detached dwellings. The proposal details the following;
 - 18 semi-detached, 1 detached and a single terrace of 3.

- 11 have three and four bedrooms,
- 11 have two bedrooms, (including six bungalows).

The wider Rose Cottage development consists of two, three and four bedroom dwellings including bungalows. As a result, the scale of the proposed development is in keeping with the wider site and is considered to be reasonably compliant with Policy H9 aspirations.

7. Policy H27 sets out the requirements for development of the wider allocation site and reiterates the aspired dwelling types referred to in Policy H9 above. Policy H27 also requires for the overall site, that 15% of the dwellings are affordable, to be provided as 5% on site and a 10% off-site through an affordable housing contribution. The built-out part of the allocation did not provide any on site affordable housing and dealt with this via an off-site contribution. This current proposal and the built-out scheme would result in approx. 14% off site contribution and 6% on site contribution. This is considered to meet but not notably exceed the on-site policy expectations whilst exceed the off-site policy expectations. The policy however, is not a maximum and the proposals are therefore considered to be policy compliant in this regard.
8. Policy H27 also advises that site access to the land north of Strait Lane should be from one access point. The allocation site already has two access points to the north of Strait Lane, one to serve the Rose Cottage Farm development and one to serve the Montpellier Manor Care Home. The proposed development would be accessed by this latter access point. As this is not introducing a new access onto Strait Lane, it is considered to accord with the policy requirements.
9. Other requirements in Policy H27 relate to a children's play area, a green buffer zone along Stainton Beck and maintenance of public rights of way running across the allocation site. The children's play area has been provided as part of the earlier phases of development on the allocation site. The requirements in relation to the buffer zone along the Beck and public rights of way relate to the wider allocation site and would not be impacted upon by development of the application site.
10. Policy H11 sets out the housing strategy for the Borough. In south Middlesbrough the Policy identifies provision of higher value housing at Stainton, new housing to meet aspirational needs and create a sustainable and balanced mix of housing, and to be of high quality and density appropriate to the location. It is important to view this proposal as being part of the overall allocation and whilst this proposal is for 100% affordable properties, this is significantly reduced when considered in the wider site context. It is considered that the proposed development will contribute to the creation of a broader mix of housing across the wider allocation site and following the removal of 2 dwellings as part of the revised scheme, the density of the proposed dwellings on the application site is generally in keeping with that of the adjacent dwellings.
11. Policy CS4 requires that all development contributes to sustainable development. This includes being located so that services and facilities are accessible by sustainable forms of transport. Whilst it is recognised that Stainton is somewhat distanced from key amenities, it is a designated housing site and there are footpath connections with Hemlington as well as a bus stop that links the site with the Parkway District Centre and the Town Centre.
12. Policy CS5 requires all development proposals to demonstrate high quality design in terms of layout, form and contribution to the character and appearance of the area.

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. Policy CS18 requires that development proposals improve the choice of transport options, including promoting opportunities for cycling and walking.
14. 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. It is considered that the need for affordable housing in Middlesbrough outweighs the need for the relatively widespread mineral.
15. The application site is within the Stainton and Thornton Neighbourhood Plan Area. Relevant Policies include Policy ST8 which sets out design principles for new residential developments and ST10 which encourages renewable energy on small scale housing development.

Highways

16. Development proposals seek the erection of 22 dwellings with access taken from Strait Lane. This vehicular access is shared with the adjacent Montpelier Manor Care Home. Works are proposed to the internal junction which will result in the care home becoming a side arm to the access into the proposed residential development.
17. Vehicles within the access bellmouth will be travelling at low speed as they have either just completed the turn into the site from Strait Lane or are slowing down preparing to turn out into Strait Lane. In order to further ensure vehicle speeds are low and hence maximise the time motorists have to see each other or pedestrians the internal junction of the care home and development is proposed to be constructed as a raised plateau.
18. Within the development site the highway is designed as an informal shared surface with managed areas of on-street parking being provided. The internal layout is being designed and constructed to adoptable standards and will follow the adoption process through agreement under the Highways Act.
19. Using vehicular trip rates accepted on similarly located developments the proposals will generate in the region of 17 vehicle movements during the busiest hourly network AM and PM peak periods. This level of traffic generation is negligible and will not have a material impact on the operation of the adjacent network nor warrants further assessment.
20. Bus stops within a short walk of the site are available and provide an option for residents to travel by mode other than the private car.
21. The parking provision meets the required standards in terms of the number of spaces provided per property and managed on-street visitor parking has been provided within the development site.
22. The local highway authority have considered the application and its impact on the local highway network in relation to safety and capacity and objections have been raised subject to necessary conditions and informatives being imposed. Developer contributions are required through a s106 agreement towards strategic highways

works, in line with the requirements for the wider allocated site. This is detailed later in the report (S106 section)

23. The application has been considered by the Local Highway Authority who have no objections to the scheme. The development is considered to be in accordance with the requirements of Local Plan Policies DC1 and CS5, and policy ST6 of the Stainton and Thornton Neighbourhood Plan.

Flood Risk

24. A Flood Risk Assessment has been submitted in support of the application. The site is within National Flood Zone 1 which is classified as having a low probability of flooding, less than 1 in 1000 annual probability of river or sea flooding (<0.1%), residential dwellings are therefore an appropriate form of development in line with the NPPF technical guidance table 3. The flood risk assessment also confirms that the site currently has a low risk of flooding from overland flows and flooding due to ground water.
25. The proposed drainage scheme includes discharge rates agreed with the Local Flood Authority, the incorporation of oversized pipes to manage any increased volumes of water and a cellular storage system. Permeable paving will be used to construct drives to properties.
26. The adjacent care home has suggested that an alternative drainage scheme should be required to prevent the need for works to be carried out on their land which will disturb their residents. It is not for the local planning authority to design a scheme. We are required to assess the scheme proposed and advise where it is not acceptable in planning terms.
27. The flood risk assessment and proposed drainage scheme has been considered by the Local Flood Authority and Northumbrian Water and no objections have been raised as they consider the proposals to be acceptable in principle and in accordance with their requirements subject to standard conditions being placed on the application which require the final detailed drainage scheme to be submitted and agreed. As a result, an alternative scheme is not required. The development is considered to be in accordance with the requirements of Policies DC1 and CS4.

Environmental Matters

28. The application has been submitted with supporting documents assessing air quality, noise in relation to the surrounding highways and site contamination. The council's Environmental Health team have considered the application in relation to these and other matters. It is noted that the site is not situated within or close to an air quality management area and that the limited amount of traffic associated with the development is not expected or anticipated to significantly increase air pollution emissions within the area. The council's Environmental Health team have accepted the findings of the reports and recommended conditions be imposed to ensure the development is undertaken in a manner which prevents undue impacts.
29. Given the location of the site, the small scale of the development and the future use of the development, there is no known reason to disagree with the assessments submitted or the considerations of the council's environmental health team.

Amenity

30. There is a change in levels across the site of approximately 3m with levels being higher on the southeast boundary and lower on the northwest boundary which is shared with the adjacent care home. The positioning of dwellings on the site takes into account the change in levels. In particular the proposed bungalows have been located along the northwest boundary with the adjacent care home. This reduces the visual impact of the dwellings in this location and provides enhanced privacy for the care home residents as the reduced height of the dwellings and proposed boundary treatment will prevent any overlooking. The main elevation of the adjacent care home is approximately 22m away at its closest point which exceeds the guidance on separation distances in the Urban Design SPD which recommends 21m as being necessary distance between residential properties. The change to the scheme which details the provision of bungalows along the care home boundary / garden (instead of 2 storey dwellings) means that the potential for overlooking of the care home garden area is substantially reduced. Notwithstanding this, residential properties overlooking each others gardens is a common feature of estate design. The key is to ensure this is not a significantly adverse impact, rather than preventing it at all costs. The separation distances to all existing properties around the site exceed the guidance distances in the Urban Design SPD. As a result the proposed development will not have a significant detrimental impact on the amenity of surrounding properties in relation to privacy.
31. Objections have been received relating to the noise from the development following completion from the general use of the dwellings, such as children playing. Whilst noted, the site is an allocated housing site, the principle of residential development has therefore been agreed. The noise associated with residential use on this site is no different than that of the adjacent residential estates and therefore the impact on the amenity of neighbouring residential uses, including the care home, are not considered to be abnormal or detrimental, and do not warrant the refusal of the development. It is also noted that the developer has taken significant steps to reduce the impact on the care home in relation to noise and privacy by proposing bungalows along the boundary of the site and increasing the length of the noise attenuation fence which is only required in the southwest corner of the site to protect the proposed dwellings from road traffic noise. However, the developer has revised the scheme so the noise attenuation fence runs along the boundary with the care home to reduce any noise impact from the development on the use of the garden at the care home.
32. The care home has subsequently objected to the design and appearance of the noise attenuation fence. The care home has also objected to the impact of overshadowing from the boundary treatment suggesting that the boundary treatment should be moved further into the site to ensure no shadow is cast over their land and no access is required to maintain the fence from their land. Whilst the fence will be a significant length along the boundary it is not out of keeping with boundary treatments in residential areas. Existing landscaping at the care home site will also soften the appearance of the fence.
33. Permitted development rights allow a person to erect a 2m high fence around land, that is not located immediately adjacent to a highway, without the need for planning permission. As a result the care home could erect a fence along the boundary, or the land owner of the site could erect a fence along the boundary, of any design or material, which would have the same impact on the neighbouring land in terms of

light and overshadowing. It would not therefore be reasonable to require the boundary treatment for the development to be moved off the boundary. The separation distances to the existing dwellings, and the orientation of the dwellings ensures that the development will not have a significant impact on the surrounding properties in relation to light.

34. Comments have been received regarding the lack of details relating to lighting. Street lighting is a highways matter that is considered by the highway authority with all adopted roads to have the required levels of street lighting. Any other lights that may be erected by residents on their properties following the completion of the development are no different to any other residential estate. This is common place and not suitable for planning to control across each individual house. Instead, should lighting be erected which is a nuisance, this could be considered by legislation which rests with others.
35. Objections have been received in relation to the size of the dwellings being smaller and therefore of a reduced quality. All of the proposed dwellings exceed the government's space standards for new dwellings offering good amenity for the residents which is considered to contribute towards a high-quality scheme. Whilst they may be smaller than the immediately adjacent properties, it is noted that Stainton is defined by a mix of house types and sizes and this proposal continues that existing characteristic of the village.
36. Given the relationship between the proposed dwellings and the adjacent buildings, and the works that have gone into redesigning the development to reduce the impact on adjacent properties, in particular the care home, it is considered reasonable to remove some permitted development rights to enable the planning authority to control any future changes to the dwellings, should they come forward. Those recommended for removal would require planning permission to be obtained for extensions to the properties and boundary treatments.
37. It is considered that the development will not have a detrimental impact on the amenity of any existing residents, and the layout and house types will ensure that new residents have adequate levels of amenities. The development is considered to be in accordance with the requirements of Policy DC1 and CS5.

Design/Layout/Streetscene

38. The dwellings range from bungalows to two-storey dwellings which step up the site with the change in gradient across the site. The scale of the dwellings is in keeping with those erected on the Rose Cottage site, which also includes bungalows. The mix of two, three and four bed properties are also in keeping with the surrounding development.
39. The application site is surrounded by the wider Rose Cottage housing site which also includes the care home to the northwest of the site. The existing housing and care home are constructed with a mix of render and brick. These materials are also proposed at the application site to reflect the character and appearance of the surrounding properties. The proportion of render to brickwork has been altered (following request by the case officer) to better represent the housing in the immediate area and the applicant has done this which should achieve better cohesion with the built out part of the wider site allocation.

40. The dwellings proposed are in keeping with those approved on the adjacent site and takes cues from it whilst also having its own distinct character. The use of design details including bay windows on corner turners, artstone cills, gable features, soffits, decorative porches, brick banding, and varying boundary treatments result in high quality dwellings.
41. Car parking is located to the side and rear of dwellings with intervening landscaped areas that break up the hard surfaces resulting in a higher quality landscaped setting increasing the visual amenity of the area. The removal of footpaths and the use of a shared surface should assist in greening the internal environment whilst reducing vehicle speeds which is appropriate for a small cul-de-sac development as proposed.
42. The NPPF requires local authorities to deliver a wide choice of high quality homes to significantly boost the supply of housing. The proposed dwellings offer a mix of high quality styles and sizes with varying garden sizes. The dwellings are considered to be in accordance with these requirements of the NPPF.
43. The dwellings have been orientated so that they provide a strong frontage to enhance the visual appearance when entering the site and accessing the adjacent care home, with properties fronting the access road and car parking located to the rear so it does not detract from the landscaping at the front of the site. The remaining dwellings primarily front into the site to provide high levels of natural surveillance to the shared streetscene and parking spaces which reduce the opportunities for crime and antisocial behaviour at the site. Feature corner turn properties have been placed in key locations to enhance the streetscene and levels of natural surveillance. These layout features are in keeping with the principles of secured by design.
44. The proposed dwellings are considered to be good quality design in keeping with the character and appearance of the area and will result in an attractive streetscene to the benefit of existing and future residents. The development is in accordance with the requirements of Policies DC1, CS4 and CS5 of the local plan and policy ST8 of the Stainton and Thornton Neighbourhood Plan.

Ecology/Landscaping

45. This application was received prior to the changes in relation to biodiversity net gain and therefore the 10% BNG requirement does not apply.
46. The site comprises grassland with a small area of hardstanding in the southern corner which provides the access from Strait Lane. An ornamental hedgerow of which more than 95% is beech with some hawthorn and hazel, is located outside the site along the northwest boundary within the grounds of the adjacent care home.
47. The site has been assessed in relation to protected species. It has no potential roosting habitat for bats and only a small area of potential open foraging habitat. The surrounding houses provide better roosting features for bats and the nearby woodland and wetland habitats provide more favourable foraging opportunities. Similarly the site provides little nesting opportunities for birds and any foraging is limited by the small enclosed nature of the site. No bird species were recorded during the ecological survey of the site. The ecology report submitted advises that the site has low suitability for amphibians being dominated by grassland with limited hibernacula and no standing water and that hedgehogs and common toad may use

the site on occasion. This position is accepted given the current appearance and position of the site.

48. The proposed development can mitigate against impacts on ecology on the site and enhance opportunities for wildlife. This includes leaving hedgehog gaps in boundary treatments, planting to provide increased foraging opportunities and integrated bat boxes and swift boxes in 50% of the dwellings.
49. It is considered that although the development will result in the loss of open field, the site is currently of low ecological value as reported and there is no clear reason to disagree with this assessment. Furthermore, the creation of landscaped areas, appropriate planting, and species specific mitigation, will offer enhanced ecological potential and have a positive impact in accordance with the requirements of Local Plan Policy CS4 and policy ST3 of the Stainton and Thornton Neighbourhood Plan.

Nutrient Neutrality

50. Nutrient neutrality relates to the impact of new development on the Teesmouth and Cleveland Coast Special Protection Area (and Ramsar Site) (SPA) which Natural England now consider to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the SPA. It is understood that this has arisen from developments and operations which discharge or result in nitrogen into the catchment of the River Tees. Whilst it is understood that this will include farming activities and discharge from sewage treatment works, it also relates to waste water from development. New development therefore has the ability to exacerbate / add to this impact. Natural England has advised that only development featuring overnight stays (houses, student accommodation, hotels etc) should be deemed to be in scope for considering this impact although this is generic advice and Natural England have since advised that other development where there is notable new daytime use such as a new motorway service area or similar could also be deemed to have an impact which may require mitigating. As with all planning applications, each has to be considered on its own merits. Furthermore, it is recognised as being particularly difficult if not impossible to accurately define a precise impact from development in relation to nutrient neutrality given the scale of other influences. Notwithstanding this, the LPA need to determine applications whilst taking into account all relevant material planning considerations.
51. The Local Planning Authority must consider the nutrient impacts of any development within the SPA catchment area which is considered to be 'in-scope development' and whether any impacts may have an adverse effect on its integrity that requires mitigation. If mitigation is required it will be necessary to secure it as part of the application decision unless there is a clear justification on material planning grounds to do otherwise.
52. In-scope development includes new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). This is not an exhaustive list. It also includes agriculture and industrial development that has the potential to release additional nitrogen and / or phosphorous into the system. Other types of business or commercial development, not involving overnight accommodation, will generally not be in-scope unless they have other (non-sewerage) water quality implications.

53. Following the completion of a Habitat Regulation Assessment this development is considered to be in scope and has been put through the Teesmouth Nutrient Budget Calculator which established the total annual nitrogen load the development must mitigate against.
54. There are a number of ways a development can mitigate against nitrogen, one of which is to apply to Natural England for credits. In relation to the proposed development the applicant successfully applied to Natural England for credits.
55. The mitigation is considered to be acceptable for this development, subject to the provisional Nutrient Credit Certificates becoming final Nutrient Credit Certificates. It is the planning view that this can be controlled by a pre-commencement condition being placed on the planning application, should it be approved, which requires a copy of the final credit certificate to be sent to the Local Planning Authority prior to any works commencing on site.
56. The proposed development will not have an unacceptable impact in terms of nitrate generation/pollution as the applicant has been able to demonstrate acceptable mitigation. As a result the scheme will not have a Likely Significant Effect. Natural England have confirmed that they have no objections to the development. On this basis the scheme is considered to be acceptable.

S106

57. If approved the development will be subject to a s106 agreement. The agreement has not yet been drafted, agreed and signed. The applicant has been informed that the following contributions are required.
- A contribution of £95,415 is required towards strategic highway works to mitigate against impacts of major housing developments.
 - A contribution of £2000 is required towards local environmental improvements.
 - A contribution of £40,722 is required towards a beck improvement scheme as the drainage system discharges into a watercourse.
58. These contributions are considered to be proportionate to the small number of dwellings proposed.

Other matters

Archaeology

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

Social and Economic Benefits

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

Broadband Infrastructure

61. The developer is required to enter into discussions with internet providers to provide infrastructure for the application site and have confirmed that the development will supply high speed fibre broadband as standard. These discussions are separate to the planning process.

Electric Charging Points and Renewable energy

62. Each dwelling includes an electric vehicle charging point and a condition is recommended to control the inclusion of solar photovoltaic panels to some of the property roofs should they be required to meet Policy requirement for renewables or the requirements of the Building Regulations.
63. The development is considered to be in accordance with the requirements of Local Plan policy CS4 and policies ST3 and ST10 of the Stainton and Thornton Neighbourhood Plan in relation to renewable energy.

Non-material Comments

64. A planning application can only be considered in relation to material planning considerations. A number of the comments made by residents are not material planning considerations, as a result they are not considered as part of the analysis of this application. Such comments include but are not limited to; stress/anxiety and impact on mental health of neighbouring residents, financial situation of future residents, or lack of information relating to who the residents are, impact on property values, loss of a view over someone else's land, or children will play with balls and toys and may go over the site boundaries to neighbouring land.
65. A number of the comments received from Montepellier Manor Care Home and other existing residents relate to civil matters between two landowners such as access being required over their land for drainage, highway purposes, other infrastructure, or whether access will be allowed onto another person's land to maintain boundary treatments. These are wholly separate from the planning process and have no bearing on the determination of this application. They are matters for the landowners to resolve outside of planning legislation. A planning application may be approved but if a civil matter cannot be resolved it can prevent the development from taking place. This does not prevent the planning application from being approved.
66. Whilst it is acknowledged that the construction of dwellings on the site will have an impact on neighbouring properties in terms of noise and disturbance during construction, and this may be further exacerbated by the vulnerable nature of residents in the adjacent care home. This is not a material planning consideration and a development cannot be refused on that basis. Developers have a right to build and separate legislation controls working hours on site, matters relating to dust and noise from construction. It is noted that the applicant has stated that they are happy to discuss working hours on site with the care home. Any noise and disturbance from construction will be for a temporary period only, and being a small site, is unlikely to take an unduly long period to build out.

Conclusion

67. The scheme as presented provides a high quality development in terms of the layout, built form, design and appearance, that will deliver a mix of dwelling types including bungalows.

68. The development provides homes with a shared space layout which benefits from landscaped features which will result in an attractive streetscene with good levels of natural surveillance and high levels of amenity. The development is in keeping with the character of surrounding areas but will have its own distinct style and setting.
69. The development is considered to be in accordance with policies DC1, CS4, CS5 and H27 of the Local Plan, the Stainton and Thornton Neighbourhood Plan and paragraph 135 of the NPPF.

RECOMMENDATIONS AND CONDITIONS

Approve subject to S106 Agreement and subject to the following conditions and informatives.

1. Time Limit

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

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

2. Approved Plans

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

- a) Site Location Plan, drawing no. 23026-EArch-PL-XX-DR-E-0005-P02;
- b) Proposed Site Layout, drawing no. 23026-EArch-PL-XX-DR-S-0110-P010;
- c) Proposed Boundary Treatment Plan, drawing no. 23026-EArch-PL-XX-DR-S-0111-P06;
- d) Proposed Open Space Plan, drawing no. 23026-EArch-PL-XX-DR-S-0113-P02;
- e) Proposed Ownership Plan, drawing no. 23026-EArch-PL-XX-DR-S-0112-P03
- f) Proposed Floor Plans and Elevations, drawing no. 23026-EArch-PL-XX-DR-2BB-0120-P02;
- g) Proposed Floor Plans and Elevations, drawing no. 23026-EArch-PL-XX-DR-2BB(V2)-0120-P02;
- h) Proposed Floor Plans and Elevations, drawing no. 23026-EArch-PL-XX-DR-2BS-0120-P09;
- i) Proposed Floor Plans and Elevations, drawing no. 23026-EArch-PL-XX-DR-2BT-0120-P09;
- j) Proposed Floor Plans and Elevations plots 1 and 2, drawing no. 23026-EArch-PL-XX-DR-3S4-0120-P03;
- k) Proposed Floor Plans and Elevations, drawing no. 23026-EArch-PL-XX-DR-3S4-0120-P03;
- l) Proposed Floor Plans and Elevations, drawing no. 23026-EArch-PL-XX-DR-3BS-0120-P05;
- m) Proposed Floor Plans and Elevations, drawing no. 23026-EArch-PL-XX-DR-3BD-0120-P05;
- n) Streetscenes received 1st July 2024;
- o) Drainage and Levels Strategy, Sheet 1 of 2, drawing no. 000-00 rev. I;
- p) Drainage and Levels Strategy, Sheet 2 of 2, drawing no. 000-04 rev. O;

- q) SW Calculations, dated 21st March 2024, received on 25th June 2024;
- r) Flood Risk Assessment & Drainage Strategy, report no. 2019098 rev. D, dated June 2024;
- s) Landscape Management Plan, drawing no. 4020/1 rev. D;
- t) Landscape Management Specification, reference no. 4020;
- u) Ecological Appraisal, reference no. 23291 rev. V2, dated March 2024;
- v) Noise Assessment reference no. NJD23-0187-001R, dated March 2024;
- w) Air Quality Assessment, reference no. NJD23-0187-002R/R2, dated March 2024;
- x) Transport Statement, reference no. 1140-TS rev. 7 dated 27th March 2024;
- y) Phase 1 Desk Top Study report, reference no. 23-806;
- z) Phase 2 Ground Investigation Report, reference no. 23-806; and,
- aa) Construction & Environmental Management Plan, reference no. 250324, received on 28th March 2024.

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

3. Materials - Samples

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

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

4. PD Rights Removed Means of Enclosure

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

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

5. PD Rights Removed Extensions/Alterations

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

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

DC1 and section 12 of the NPPF.

6. 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 the roof construction commencing 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.

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

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

8. Car Parking
The development hereby approved shall not be occupied/brought into use/commenced until the areas for vehicle parking have been constructed and laid out in accordance with the approved drawing(s) Proposed Site Layout, drawing no. 23026-EArch-PL-XX-DR-S-0110-P010, or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority. Such areas shall thereafter be retained in perpetuity for the sole purpose of parking vehicles.

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

9. Surface Water Drainage Scheme
Prior to the commencement of the development on site a detailed surface water drainage scheme (design and strategy) shall be submitted to and approved in writing by the Local Planning Authority. The scheme should be designed, following the principles as outlined in the Flood Risk Assessment & Drainage Strategy, report no. 2019098 rev. D, dated June 2024 and the development shall be completed in accordance with the approved scheme.

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

- (i) The surface water discharge from the development must be limited to a Greenfield run off rate (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.

10. 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.

11. 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.

12. Foul and Surface Water Drainage

Development shall be implemented in line with the drainage scheme contained within the submitted document entitled Flood Risk Assessment & Drainage Strategy, report no. 2019098 rev. D, dated June 2024. The drainage scheme shall ensure that foul flows discharge to the public foul sewer at manhole 8601 and ensure that surface water discharges to the existing watercourse via the highway drain.

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

13. Landscape Scheme and Management Plan

The landscape scheme as detailed in the approved Landscape Management Plan, drawing no. 4020/1 rev. D, or in accordance with details to be submitted to and approved in writing by the Local Planning Authority, shall be implemented and retained on site.

The landscaping must be managed in accordance with the approved Landscape Management, reference no. 4020, or in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

14. Retained Trees

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

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

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

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any

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

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

15. Hedges and Hedgerows

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

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

16. Ecology

The measures detailed in the sections of the approved Ecological Appraisal, reference no. 23291 rev. V2, dated March 2024 listed below, must be implemented on site.

Sections:

- a) S6.4 Avoidance Measures
- b) 6.5 Mitigation Strategy
- c) 6.6 Compensation Scheme.

Thereafter the mitigation works shall be retained on site in perpetuity

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

17. Noise Assessment

The development hereby approved shall be carried out in accordance with the approved Noise Assessment reference no. NJD23-0187-001R, dated March 2024. Any deviations from the recommendations made in the report shall be submitted to

the local planning authority for approval prior to the occupation/first use of the dwellings/buildings and will thereafter be implemented on site. Any mitigation works must be retained on site in an operational state for the lifetime of the building.

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.

18. Renewable Energy

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

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

19. Waste Audit Required

Prior to the commencement of the development on site a Waste Audit must be submitted to and approved in writing by the Local Planning Authority. The Waste Audit must identify the amount and type of waste which is expected to be produced by the development both during the site clearance, construction phases and once it is in use. The Audit must set out how this waste will be minimised and where it will be re-used on site.

The development shall be undertaken in complete accordance with the approved Waste Audit.

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

20. Nutrient Mitigation Scheme – Credits or Suitable Alternative

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

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

Reason for Approval

The analysis of the development determines that the proposals are for a sustainable development, which will assist in economic growth in the town. The proposed layout

and dwellings are of a high quality design and would provide a pleasant and sustainable environment offering a good mix of dwelling types. There are no statutory objections to the proposal in terms of the sustainability of the site or the ability to meet necessary flood, ecology, highways and noise mitigation.

The application site is an allocated site within the approved Housing Local Plan. It meets the requirements of policy H27 other relevant local policies (DC1, CS4, CS5), the Stainton and Thornton Neighbourhood Plan and national policies.

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

INFORMATIVES

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

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

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

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

buildingcontrol@middlesbrough.gov.uk.

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

- **S106**
This permission is subject to an agreement under section 106 of the Town and Country Planning Act 1990 as amended.
- **Statutory Undertakers**
The applicant is reminded that they are responsible for contacting the Statutory Undertakers in respect of both the new service to their development and the requirements of the undertakers in respect of their existing apparatus and any protection/ diversion work that may be required. The applicant is advised to contact all the utilities prior to works commencing.
- **Name and Numbering**
Should the development require Street Names, Numbers and/or Post Codes the developer must contact the Councils Naming and Numbering representative on 01642 728155.
- **Construction Noise**
The applicant should be aware that noise from construction work and deliveries to the site may have an impact upon local residential premises. The applicant may if they wish to apply for a prior consent under the Control of Pollution Act 1974 Section 61 with regard to working hours at the site. The applicant can contact the authorities Environmental Protection service for more details regarding the prior consent process. The hours that are recommended in the Control of Pollution Act for noisy working are 8am-6pm Mon-Fri, 8am-1pm Saturday and no working Sundays and Bank holidays.
- **Site Contamination**
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
- **Adoption of Highway - S38**
The applicant is advised that prior to the commencement of works on site they should contact the Highway Authority (01642 728156), with a view to preparing the necessary drawings and legal work required for the formal adoption of the new highway layout. The S38 Agreement should be in place prior to the commencement of works on site.

- Works to Highway - S278
The proposal will require alterations to the existing highway and as such will require an Agreement under Section 278 of the 1980 Highways Act The applicant is urged to consult early with the Highway Authority (tel: 01642 728156) to discuss these proposals. This agreement must be completed and in place before work commences.
- Dilapidation Survey
Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused. Under the terms of the 1980 Highways Act Middlesbrough Council will seek to recover any expenses incurred in repairing or making good such damage. The applicants are therefore strongly advised to carry out a joint dilapidation survey with the authority prior to and upon completion of, works on site. (01642 728156)
- Deliveries to Site
It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction then early discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so as to mitigate the effect of the obstruction to the general public.
- Cleaning of Highway
The applicant is reminded that it is the responsibility of anybody carrying out building work to ensure that mud, debris or other deleterious material is not deposited from the site onto the highway and, if it is, it shall be cleared by that person. In the case of mud being deposited on the highway wheel washing facilities should be installed at the exit of the development.
- Protect Existing Footpaths/Verges
Measures must be taken to protect existing footpaths and verges being damaged by site vehicles.
- Wildlife and Countryside Act
The applicant is reminded that under the Wildlife and Countryside Act 1981 it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August. Trees and scrub are present on the application site should be assumed to contain nesting birds between the above dates unless a survey has shown conclusively that nesting birds are not present.
- Protected Species
The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning consent for a development does not provide a defence against prosecution under wildlife protection legislation. You are advised that it may be necessary before development commences, for the applicant to commission an ecological survey from a suitably qualified and experienced professional to determine the presence or otherwise of such protected species. If

protected species are found to be present, Natural England should be consulted.

- Discharge into Watercourse/Culvert
The applicant is advised that any discharge of surface water into a watercourse or culverted watercourse requires consent from the Local Authority.
- Sustainable Drainage Systems
Sustainable Drainage Systems (SuDS) should be considered when designing drainage, driveways and car parking areas.

Case Officer: Shelly Pearman

Committee Date: 11th July 2024

Appendix 2 - Proposed Site Plan



Appendix 3. Example House Types





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APPLICATION DETAILS

Application No:	24/0032/FUL
Location:	51 Tollesby Road, Middlesbrough, TS5 7PT
Proposal:	External alterations to garage and erection of boundary treatment (outbuilding - permitted development)
Applicant:	Mr Mohamed Alnaggar
Ward:	Acklam
Recommendation:	Approve Conditionally

SUMMARY

The application site is a semi-detached, 2 storey residential dwelling which is located on the corner of Tollesby Road and Glenfield Drive. The property has its front elevation facing onto Tollesby Road and being a corner plot has a side elevation facing onto Glenfield Drive. Prior to recent works being undertaken a privacy fence formed most of the properties curtilage onto Glenfield Drive and Tollesby Road.

Following consideration of an enforcement case, the council became aware of unauthorised works to the property. As officers considered the works as undertaken could not be supported on planning grounds, an enforcement notice was served requiring the works to be undone.

In discussion with the property owner, they have confirmed their interest in retaining the development and submitted this application to regularise the unauthorised works on site which include; external alterations associated with the conversion of the attached garage, erection of boundary treatment around the front and side of the property and a single storey extension to the side of the property.

Officers raised concerns over the way in which the works had been carried out in respect of the new windows and wall within the former garage door opening, with the nature of the extension due to its flat roof and rendered finish and in regard to the dominance and contrasting appearance of the boundary wall. The owner was also advised to cease works and that any continued works would be at their own risk.

Following these concerns being raised by officers revised plans have been submitted which now show revisions to the wall, garage door detail and which indicate the extension will be severed from the main dwelling to make it an outbuilding, which would make that aspect permitted development.

The amendments to the boundary treatments include improved materials and reduction in height which will help break up its appearance and reduce its dominance sufficiently to prevent it appearing excessive in height and intrusive or overbearing within the streetscene.

The amendments to the conversion of the garage show the window realigned into the outer leaf of the brickwork rather than being fully recessed with suitable materials/brick selection having been achieved which is in keeping with the host property.

Three objections have been raised from residents and additional objection from the Ward Councillor which relate to works carrying on without approval, quality of work, impact on streetscene and health and safety.

It is the officer opinion that the proposed changes to the works associated with the garage door opening and boundary treatment are much more in keeping with the host property, and the surrounding area. As the application is retrospective this will require remedial works to be undertaken to achieve the scheme being proposed.

Overall, the works are considered to be accordance with Policy CS5 (test c), Policy DC1 (test b) and principles of the Councils Urban Design Guide.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is a two-storey, semi-detached property which occupies a corner plot at the junction with Tollesby Road and Glenfield Drive. The site is situated in an area used predominately for residential purposes.

The application seeks retrospective planning approval for external alterations to the existing attached garage, and alterations to the boundary treatment at the front and side.

Original plans included a single storey side extension, although revised plans have since been submitted which now show this element severed from the main house to form an outbuilding. Given the size, height and position of the building, this element can be achieved under the applicants own permitted development rights and as such will not be considered as part of the application as this element no longer requires planning approval.

PLANNING HISTORY

22/0056/UNU - Enforcement notice
7th February 2024 (Date of issue)
This notice took effect on 6th March 2024.

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, 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

Public Responses

Number of original neighbour consultations	11
Total numbers of comments received	3
Total number of objections	3
Total number of support	0
Total number of representations	3

Comments were received by the following residents and the comments are summarised Below;

Mr M Townsend - 12 Benton Road
Mrs A Briscoe - 2 Glenfield Drive
Mr J Chapman - 76 Tollesby Road

- work on this property and its current state is an utter eyesore
- disregard for the streetscape and health and safety
- work has carried on without planning approval being sought
- applicants lack of respect for the community
- quality of work

Councillor S Dean

I would like you to log my objections to the above retrospective planning application. I would also ask that you keep me fully updated on this matter, and if this goes to planning committee I would like the opportunity to speak at the meeting supporting my residents that are objecting.

PLANNING CONSIDERATION AND ASSESSMENT

Policy

Policy CS5 and Policy DC1 are the relevant policies which will be considered in this case. 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.

The 'Middlesbrough's Urban Design Supplementary Planning Document' (SPD) states in a particularly prominent or open location, railings are often the most appropriate style of boundary treatment as they still allow for views to be achieved. In any case, the most appropriate option will be the least intrusive and should be in keeping with the surrounding

area. Fences or walls should not obstruct sight lines for moving vehicles; it is therefore advised that fences along the side of a property are reduced in height as they approach the highway. This will also prevent the boundary treatment becoming an overbearing presence. The Design Guide also provides design guidance for development, including for householder / domestic extensions (Section 5) and is considered to be in accordance with the NPPF in general terms and is therefore a material planning consideration and decisions should reflect the guidance within the SPD unless other material planning considerations suggest it is appropriate to do otherwise.

The UDSPD recommends some basic principles are applied to development which is aimed at achieving good quality development, these being, to achieve consistent design (window style and proportions, roof pitch etc.), consistent materials and fenestration detailing, subservience (to prevent overbearing or dominance), no dominance over neighbouring windows (to limit effects on daylight), avoiding flat roofs or large expanses of brickwork, preservation of building lines where appropriate and achieving adequate levels of privacy. The main considerations with this proposal are the impacts on the character and appearance of the dwelling, street scene, the impacts on the privacy and amenity of the neighbouring properties and the impact on highway provision/safety. These and other matters are considered as follows.

External alterations to garage

The flat roofed attached garage at side was a historic addition that has been in situ for over 15 years. The roller shutter door fronting Tollesby Road has been removed and replaced with a window and matching brickwork to allow the conversion of the garage to a habitable room. It is the physical works from the garage floor to a window / wall which requires permission rather than the layout and use of the space inside.

Whilst the area of development is located at the front and is highly visible from the roadside, the alterations are relatively minor given that there is no projection from the elevation or increase to the footprint of the property and as a result will have little impact on the street scene. The external alterations are considered to be in keeping with the host property ensuring the new window is of a similar style, scale and proportion to other windows within the host property, The materials (brick selection) is also considered to be suitable and in keeping with the host property thereby ensuring consistent design, in accordance with the relevant parts of Local Plan Policies CS5 and DC1 and the guidance within the adopted Urban Design SPD.

Boundary treatment

The site was previously enclosed to the front and side with a 1.8/2m high close boarded fence along the front and side/corner elevations and this had been in place for a prolonged period, sufficient to establish it in planning terms. This boundary treatment was removed by the applicant when the unauthorised works commenced. Had the applicant replaced the fence with a fence of the same height or lower, then planning permission would not have been required. However, in changing the materials, this required the new boundary treatment to have planning permission. The applicant had erected a blockwork wall with pillars with the intention of adding fencing between the pillars and rendering the blockwork.

Whilst only part constructed at the time of the officer site visit, the boundary treatment was considered to be unsympathetic to the character of the area and host property, which would appear stark with little relief once completed, and would also sit significantly higher than all other boundary treatments in the immediate area, contrary to policy and design guidance.

In this area boundary treatments are predominately a mix of low walls/fences, some with planting behind to gain additional height and privacy which also helps 'green' the street. The host property is unusual in its position and design in that it fronts Tollesby Road and Glenfield Drive, on what is essentially a reasonably prominent corner. The previous boundary, due to its height created a private garden area adjacent to the corner, which is not repeated on the other 3 corner plots and determining this application requires a balance of reaching a design that is suitable and sympathetic to its surroundings whilst ensuring the applicants outdoor space is private/screened to a reasonable degree as it was previously.

Following officers concerns to a high wall / fence around the entire area, amended plans have since been submitted which show a boundary wall, 1.2m in height along the site's frontage, which will then step up to 1.6m along the side/corner of Tollesby Road and Glenfield Drive. The side/corner section will comprise of a boundary wall with brick pillars with infill fencing and this will help to break up its appearance. The stagger/reduction in height (1.2m along the front to 1.6m along the side/corner) will ensure that the boundary treatment doesn't appear excessive in height or scale or appear intrusive or overbearing within the streetscene, when taking into account the former boundary treatment at the site.

The change in design and reduction in height is much more sympathetic compared to the boundary treatment as built and the boundary fence that was in place before that, and as such is a welcomed improvement and should harmonise and sit well within the streetscene once remedial works have been completed.

Overall, the works are considered to be accordance with Policy CS5 (test c), Policy DC1 (test b) and principles of the Councils Urban Design Guide.

Impact on privacy and amenity

As the alterations to the garage do not include any projection beyond the elevation of increase to the footprint of the property, separation distances between neighbouring properties will remain unaltered. With regards to the boundary treatment the change in design, scale and reduction in height, particularly to the front would reduce potential impacts to neighbours so is welcome. As such, the works are not considered to have any significant impact on the privacy and amenity of the neighbouring properties and accords with the guidance set out in Core Strategy Policy DC1.

Highway related matters

Whilst the attached garage was an addition rather than an original part of the house the integral garage space will be lost as part of the works. However, the property does have a driveway at front, therefore incurtilage parking provision can still be accommodated on site. With regards to the boundary treatment, it is of an appropriate height and position ensuring it will not obstruct sight lines for moving vehicles. In view of the above it is considered that the development will not have a detrimental impact on the highway in accordance with DC1 (test d).

Conclusion

In view of the above the application is deemed a satisfactory form of development fully in accordance with relevant policy guidance and no material considerations that indicate that the application should be refused. The application is therefore recommended for approval subject to standard conditions.

RECOMMENDATIONS AND CONDITIONS

Approve Conditionally (conditions below), and undertake necessary enforcement action should the remedial works not progress immediately to sever the extension from the property and install the approved details.

1. **Approved Plans - Retrospective**

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

- a) Location plan received 5th February 2024
- b) Proposed floor and elevations plan received 29th May 2024

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

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

REASON FOR APPROVAL

This application is satisfactory in that the design of the boundary treatment and external alterations to the garage accord with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraphs 186-187 of the NPPF. In addition, the boundary treatment and external alterations to the garage accord with the local policy requirements (Policies CS5 & DC1 of the Council's Local Development Framework). In particular the boundary treatment and external alterations to the garage are designed so that their appearance is complementary to the existing dwellinghouse and plot and so that it will not have a detrimental impact on the amenity of any adjoining or nearby residents. The works will not prejudice the appearance of the the local area and will not significantly affect any landscaping nor prevent adequate and safe access to the dwelling. The application is therefore considered to be an acceptable form of development, fully in accordance with the relevant policy guidance and there are no material considerations which would indicate that the development should be refused.

INFORMATIVES

- **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

Case Officer: Joanne Lloyd

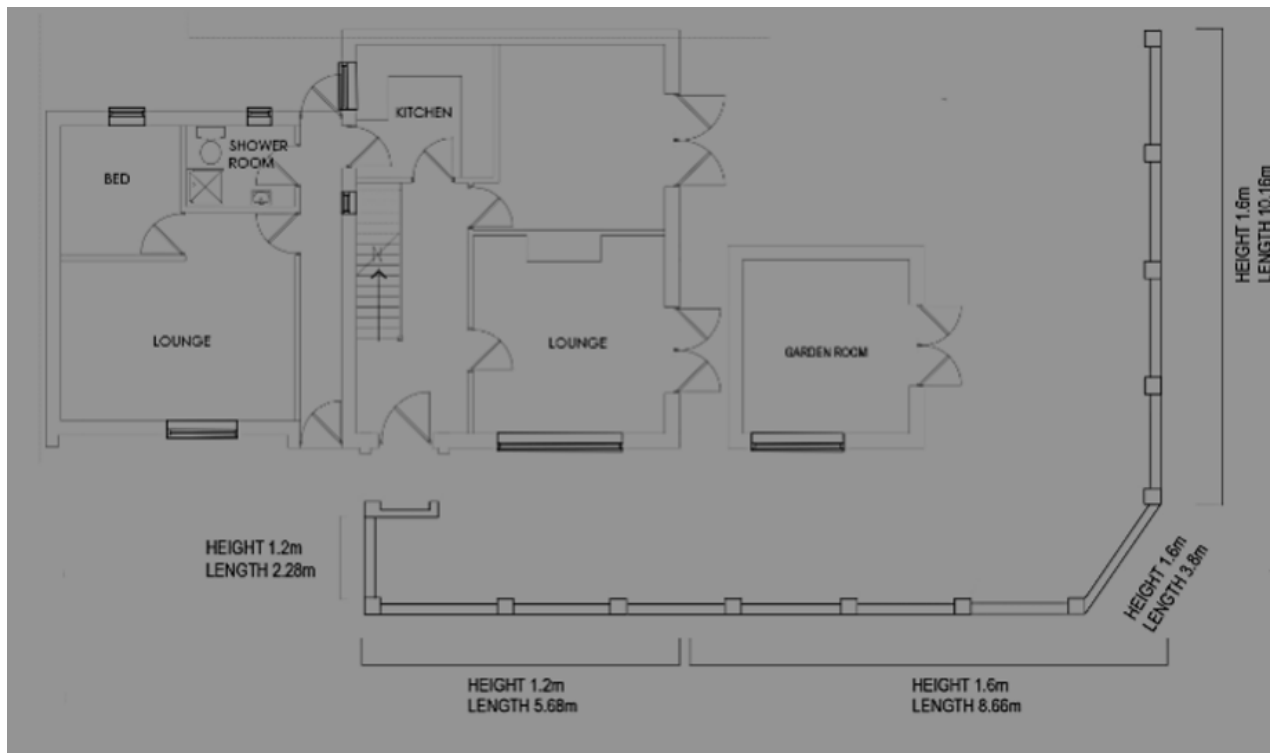
Committee Date: 11th July 2024

Appendices

Appendix. 1 - Location plan



Appendix 2. Proposed ground floor plan



Appendix 3. Proposed elevations



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APPLICATION DETAILS

Application No:	24/0040/FUL
Location:	2, Helmsley Close, Middlesbrough, TS5 7LP
Proposal:	Two storey extension to side and single storey extensions to rear (Demolition of existing garage)
Applicant:	Star Asaad
Agent:	Lee Wardman
Ward:	Acklam
Recommendation:	Approve Conditionally

SUMMARY

The application was considered at the previous committee meeting held on 6th June, as members had concerns over the two-storey element to the rear and the decision of the application was deferred at that committee to allow the applicant to consider removing the first floor section to the rear, an element that members had concerns over.

Revised plans have been submitted omitting the two-storey rear section (the proposed rear extension is now single storey only). The eaves of the ground floor elements to the front and rear have also been lowered which is now more in keeping with the host property.

The proposal is now being reported back to committee for consideration.

Although the changes reduce the scale of the proposals, for completeness, the residents have been reconsulted on the revised plans. No comments/objections have been received in relation to the revised plans.

Officers consider that the revised extensions are of an appropriate size and scale relative to the existing house and plot size and will be sufficiently in keeping with the host property and without any significant impact the amenities associated with neighbouring properties. Overall, the development is considered to be in accordance with Local Plan Policies DC1 and CS5 and the requirements of the Urban Design SPD.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is a two-storey detached property that is situated to the north side of the close, approximately 30m west of the junction with Fountains Drive in Acklam. The site is situated in an area which is used predominately for residential purposes.

Similar two storey houses line the street to the north and the south that are characterised by their red brick construction and upper floor cladding, gable roofs, attached flat roof garages at side that twin up with the neighbour, small porches to front and open plan frontages. There is also a row of three bungalow's that sit at the head (eastern side) of the close.

The application seeks planning approval for a two-storey extension to side and single storey extension to rear. The proposal will create additional living space on the ground floor and first floor, with the first floor being reconfigured and extended to provide five bedrooms and a bathroom. The two-storey element at side is shown set back at first floor level with its eaves height (gutter line) matching that of the existing house and having a gable roof which a slightly lower ridgeline (uppermost part of the roof) to that of the host property. The single storey rear extensions will project 3m beyond the rear building line, they will have monopitched roofs with an eave's height of 2.4m and overall height of 3.2m.

PLANNING HISTORY

No relevant planning history

PLANNING POLICY

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

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

Middlesbrough Local Plan

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

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

National Planning Policy Framework

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

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

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

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

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

DC1 - General 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

There has been no responses to the re-consultation associated with the revised scheme.

PLANNING CONSIDERATION AND ASSESSMENT

Policy

1. The main consideration with this application is whether the extension will complement the existing site and its surroundings and whether there are impacts on the adjacent properties. Policy CS5 and Policy DC1 are the relevant policies which will be considered in this case.

2. CS5 aims to secure a high standard of design for all development, ensuring that it is well integrated with the immediate and wider context.
3. 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.
4. The Middlesbrough Urban Design SPD (UDSPD), adopted Jan. 2013, provides design guidance for development, including for householder / domestic extensions (Section 5) and is considered to be in accordance with the NPPF in general terms and is therefore a material planning consideration and decisions should reflect the guidance within the SPD unless other material planning considerations suggest it is appropriate to do otherwise.
5. The UDSPD recommends some basic principles are applied to development which is aimed at achieving good quality development, these being, to achieve consistent design (window style and proportions, roof pitch etc.), consistent materials and fenestration detailing, subservience (to prevent overbearing or dominance), no dominance over neighbouring windows (to limit effects on daylight), avoiding flat roofs or large expanses of brickwork, preservation of building lines where appropriate and achieving adequate levels of privacy.
6. Para. 5.8 of the adopted Urban Design Guide advises that a two storey or first floor only side extension gives rise to potential issues of having an overbearing impact on the streetscene, suggesting;
 - at 5.8c that the extension should be no more than half the width of the original dwelling to prevent the property from being out of proportion,
 - at 5.8a & b that there is a need to prevent terracing between pairs of semi-detached houses, by setting the first-floor section back by 1m with an associated reduction in the roof height or introducing a side path of 1m.
7. Para. 5.6 of the SPD deals with single storey rear extensions and highlights;
 - the potential impacts to adjacent properties principal windows where along a shared boundary advising that the solution is often to limit the extent of the extension to 3m, or where greater than 3m projection, set it in from the boundary by a sufficient distance.
 - Windows in the side elevation of the extension facing onto neighbouring properties should be discouraged to prevent loss of privacy and where essential high-level windows should be used.
8. Para. 5.7 of the SPD highlights that due to the greater bulk of a two-storey extension to that of a single storey extension, that greater care should be taken over their design with particular consideration being given to the neighbouring property.
9. At 5.7a the SPD advises that two storey extensions along a common boundary on a semi-detached dwelling should be discouraged due to their impact on primary room windows although notes that the impact can be reduced by the existence of existing ground floor extensions on the neighbouring property.

10. At 5.7c the SPD advises that if excessive in length a two-storey extension can have a wider impact and should be restricted to be no more than 3m in length set in off the boundary by 2.5m. This aim serves to give greater spacing and less overbearing for the attached neighbouring property and associated amenities.
11. Overall, the design guide advises that all extensions should be of a scale that is appropriate to the existing building and not of an overbearing nature. Development, which would dominate the street scene, is likely to be resisted. Extensions should not look out of place in the site or in the street and should enhance, not detract, from the character of the area.

Scale, layout and appearance

12. The property currently has an existing attached single storey flat roof garage at the side, that twins up with garage of the detached neighbour, No.26 Fountains Drive. The existing garage is to be demolished to make way for a two-storey side extension, The extension will have a width of 2.45m and will align with the existing property at the rear and at front, although will be stepped back 1.2m at first floor level. The extension will have a gable roof to match the existing house, with reduced height ridge ensuring there is a clear distinction between the original house and the extension as suggested within the SPD design Guide. The extension also been designed so that there will be an access path retained down the side of the property that is approx. 1m in width.
13. The extension is suitably scaled and will appear as a secondary addition to the host property. In addition, given that the host property is an end property and located to the side of the property, there will be no potential terracing or loss of significant open space between properties and therefore the proposal wouldn't be harmful or disrupt the rhythm and spacing between the semi-detached properties in this part of the street, thereby fulfilling the requirements of Para 5.8 (a) of the Design Guide.
14. The proposed side extension will not occupy a conspicuous position and will not appear overly prominent within the streetscene given it aligns with the existing building lines.
15. Single storey extensions are now proposed along the rear spanning the full width of the property. The single storey elements to rear are compliant with Para 5.6(b) of the Design Guide in that they have a relatively minimal projection (3m) with a suitable roof height and style.
16. The proposed extensions have been designed so that they are of an appropriate size, scale relative to the existing house and plot size which will harmonise well with the existing property well and will appear as suitable subservient additions. Overall proposals are considered to be in accordance with Policy DC1 (test b).
17. The extensions will not be detrimental to the character and appearance of the area and will fit in well with their surroundings in accordance with Policy CS5 (test c and h).

Impacts on Privacy and Amenity

18. Whilst the rear extension will span the full width of the property and sit adjacent to the shared boundary with the attached neighbour, the extension will not be excessive in

height or projection. It is also noted that a single storey extension of such dimensions could be built in isolation under permitted developments rights. Permission is required in this case only as the extension adjoins the two-storey extension at side.

19. As the extension will align with the front elevation, separation distances between those properties directly opposite (south) will remain unaltered. To the rear, the extensions will be situated 12m from the rear boundary which is considered sufficient spacing given the limited single storey rear elements being proposed.
20. Whilst the extensions will sit 1m from the side (western) boundary with the rear gardens of 24 and 26 Fountains Drive, the extensions will be situated approx. 11m from the rear of those properties. As the proposed extension has no openings along its side elevation there will be no overlooking or loss of privacy, adequate levels of daylight and sunlight will also still be achieved. New openings along the rear will look down the garden in the same manner it does currently.
21. Whilst the extension will be visible from some of the nearby properties, given the separation distances between neighbours the extension will not appear oppressive or significantly impact any primary room windows.
22. Given the extensions position, it is considered that its size and siting would not have an overbearing impact upon neighbouring properties, any impact in terms of loss of light, visual impact, outlook and any loss of amenity would not be so significant to warrant refusal of the application in this case. In view of the above, the application is considered to be in accordance with Policy DC1 (test c).

Attached garage

23. Concerns were raised previously regarding the attached garage which is to be demolished as part of the works. Whilst planning approval isn't required in respect of the demolition it is understood that the applicant has a duty to serve notice under the Party Wall Act and would be responsible for making sure that the neighbour's property is made good/weathertight following the demolition work. However, this is a matter that falls outside of the planning remit and would ultimately be a civil matter that would need to be agreed between the parties involved.

Highway related matters

24. The extension will create two additional bedrooms at the property. The Tees Valley Design Guide advises that three car parking spaces are required for a five bedroomed property of this type. The property currently has a driveway at the front that can accommodate two car parking spaces comfortably. As the garage space will be lost as part of the works the hardstanding to the front of the site is to be extended to allow for an additional space allowing parking for three vehicles in a side-by-side arrangement. As such adequate car parking provisions will be achieved on site, therefore the development will not have a detrimental impact on the highway in accordance with DC1 (test d).

Conclusion

25. In view of the above the proposal is therefore deemed a satisfactory form of development fully in accordance with relevant policy guidance there are no material considerations that indicate that the application should be refused.

RECOMMENDATIONS AND CONDITIONS

Officer recommendation is to approve subject to the following conditions and informatives

1. Time Limit

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

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

2. Approved Plans

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

- a. Location plan Dwg No. L023-144-007 received, 31st January 2024
- b. Proposed site plan Dwg No. L023144-008 Rev D, received 7th June 2024
- c. Proposed elevations Dwg No. L023144-006 Rev D, received 7th June 2024
- d. Proposed ground floor plan Dwg No. L023144-004 Rev C, received 26th March 2024
- e. Proposed first floor plan Dwg No. L023144-005 Rev D, received 7th June 2024

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

3. Matching Materials

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason: To ensure the use of satisfactory materials.

4. Hardstanding

The hardstanding hereby approved shall be constructed using permeable materials or a suitable drainage system to ensure that surface water does not flow onto the public highway. Thereafter the permeable materials or drainage system shall be retained on site in perpetuity.

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

REASON FOR APPROVAL

This application is satisfactory in that the design of the proposed extensions to side and rear accord with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraphs 186-187 of the NPPF. In addition the extensions accord with the local policy requirements (Policies CS5 & DC1 of the Council's Local Development Framework). In particular the extensions are designed so that their appearance is complementary to the existing dwellinghouse and plot and so that they will not have a detrimental impact on the amenity of any adjoining or nearby residents. The works will not prejudice the appearance of immediate vicinity or the wider area, and will not significantly affect any landscaping nor

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

INFORMATIVES

- **Rights of Access/Encroachment**

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

- **Deliveries to site**

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

- **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.

- **Dropped Kerb**

This application includes the extension of the existing dropped vehicular access, as a result permission from the Highway Authority is also required to carry out works in the highway. The applicant is strongly advised to contact the Highway Authority (Tel: 01642 728648/728648) prior to any work commencing on site to discuss their requirements.

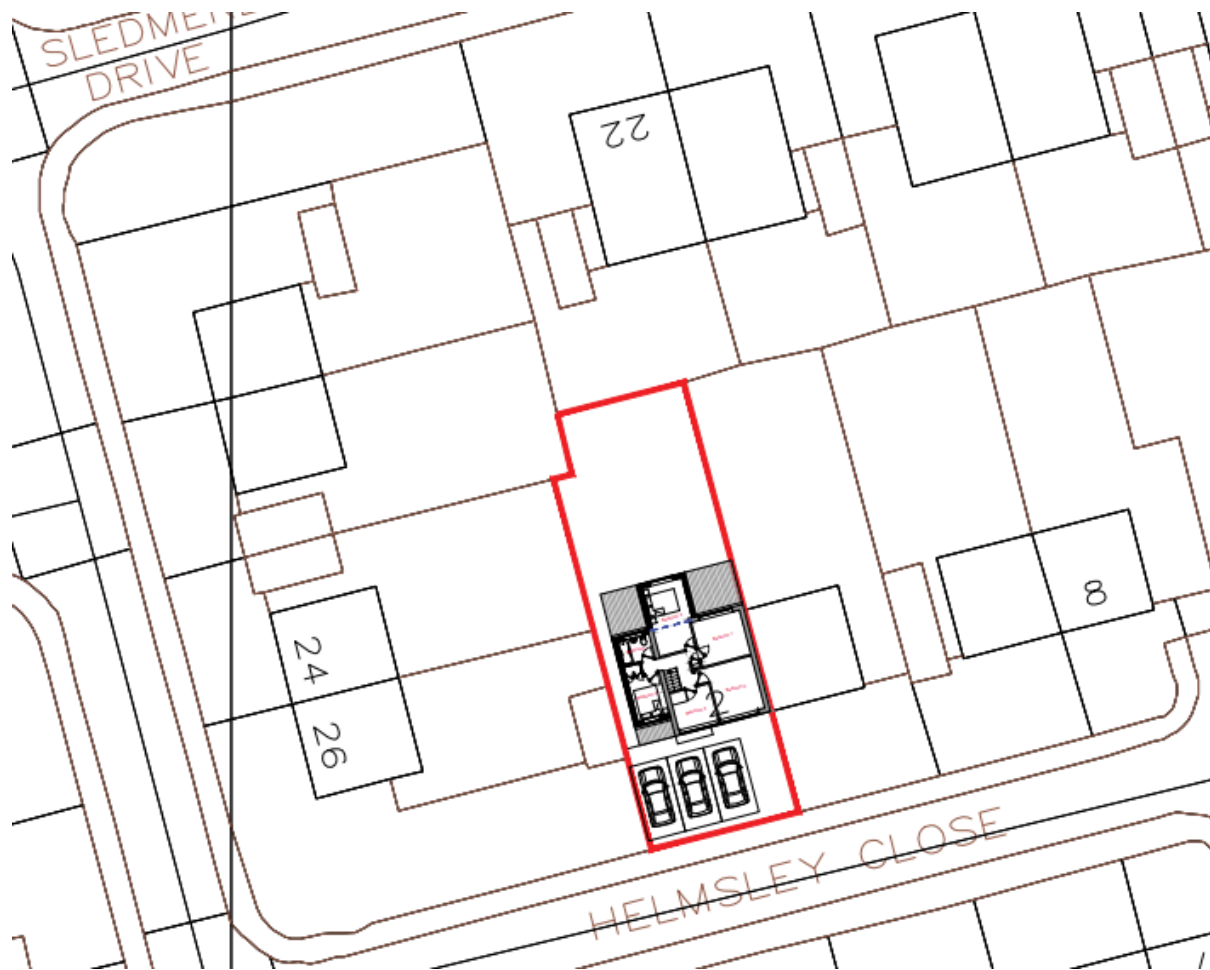
PLANNING PERMISSION FOR THIS APPLICATION DOES NOT AUTOMATICALLY INCLUDE HIGHWAY AUTHORITY PERMISSION

Case Officer: Joanne Lloyd

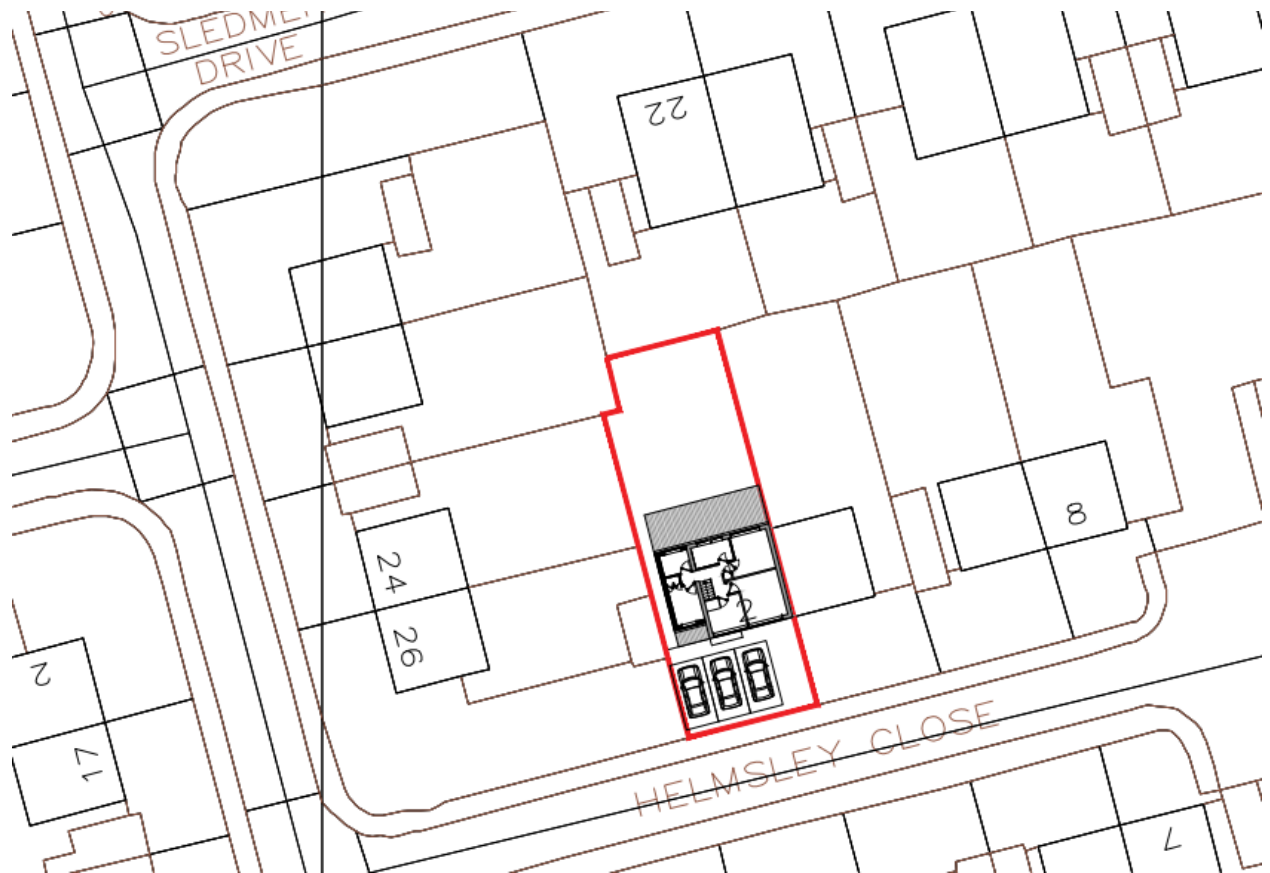
Committee Date: 11-07-2024

Appendices

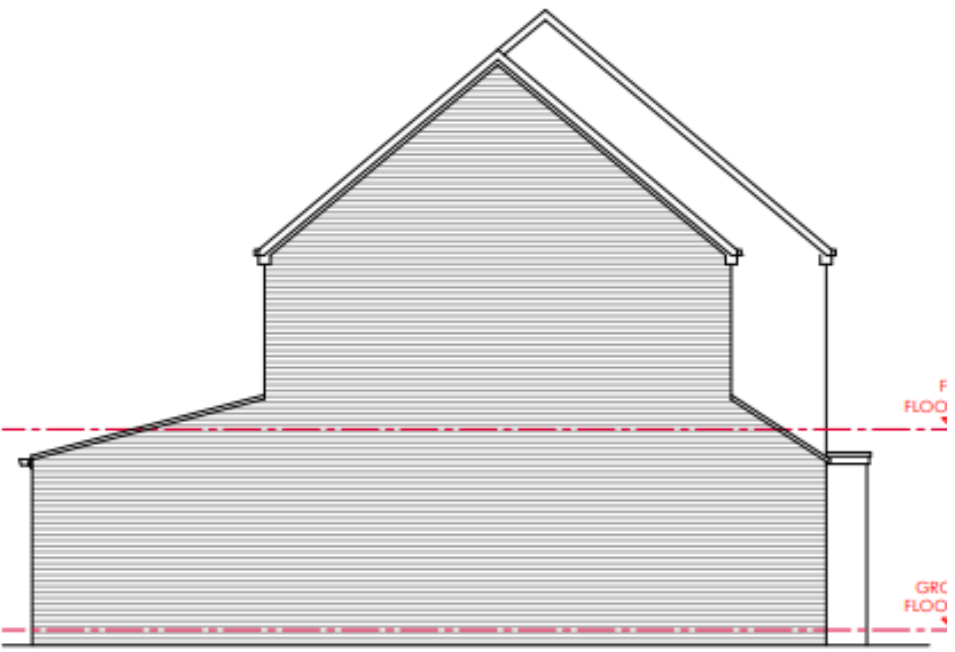
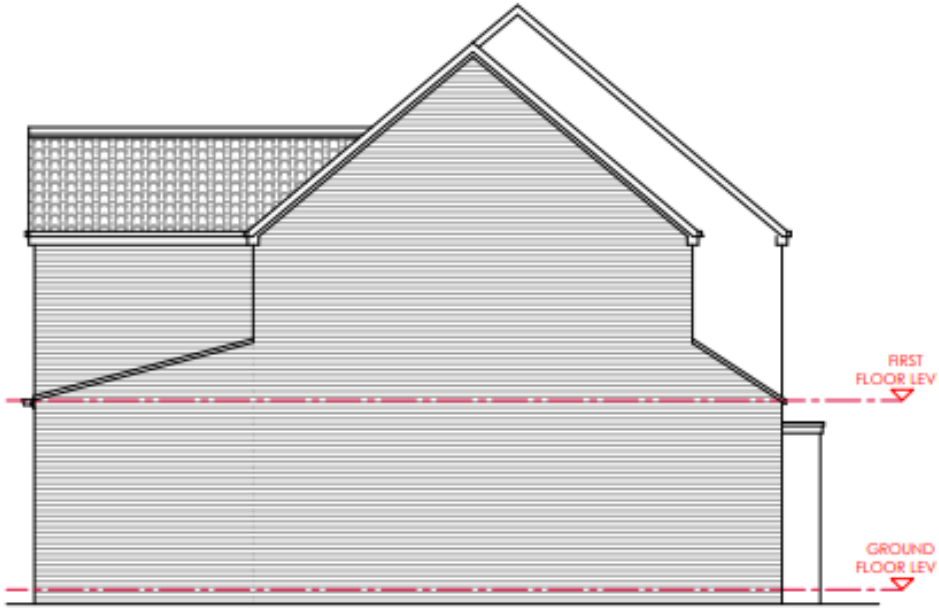
Appendix 1 - Previous site plan – with two storey extension at rear



Appendix 2 - Revised site plan – single storey extensions at rear only



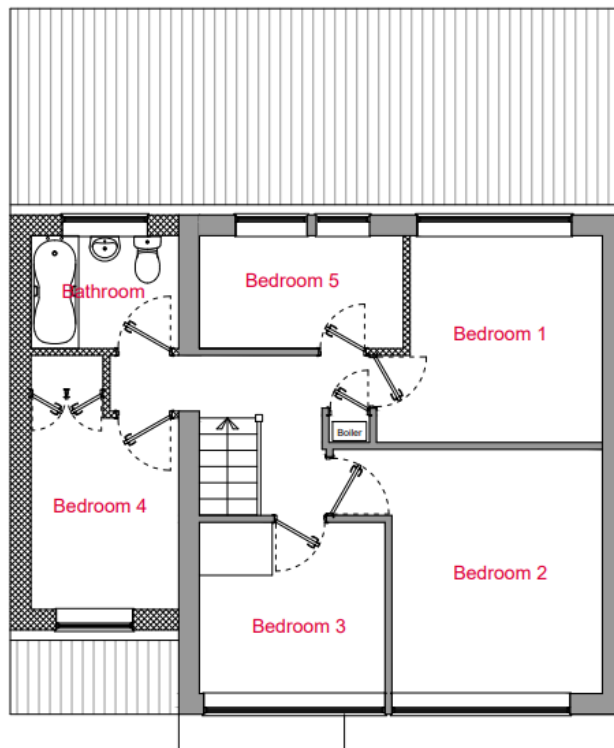
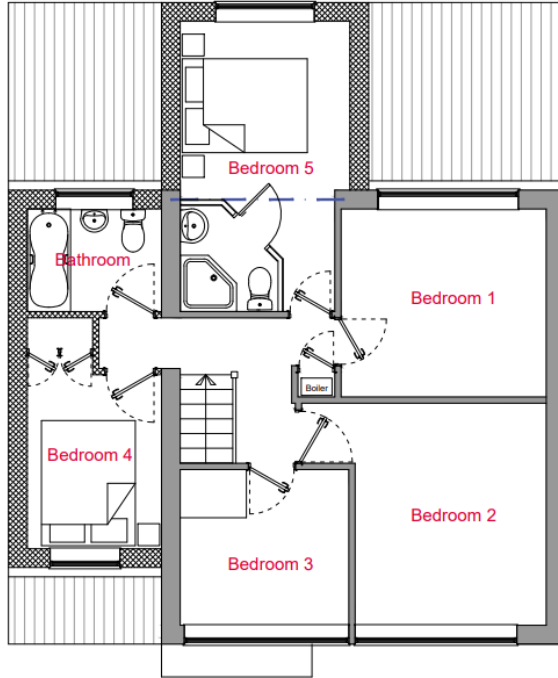
Appendix 3 - Previous and revised side elevations



Appendix 4 – Previous and Revised rear elevations



Appendix 5 - Previous and Revised first floor plan showing two storey element



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APPLICATION DETAILS

Application No:	24/0056/MAJ
Location:	Grey Towers, Nunthorpe, Middlesbrough, TS7 0PW
Proposal:	39 no. dwellings (including 11 no. additional dwellings and 28 replan)
Applicant:	Mrs Amy Ward
Company Name:	
Agent:	
Company Name:	
Ward:	
Recommendation:	Approve with conditions subject to s106 agreement

SUMMARY

Permission is sought for the erection of 39 dwellings on the Grey Towers housing development site. The site currently has consent for 28 dwellings. This permission seeks to add an additional 11 dwellings increasing the number of dwellings to 39. The wider site currently has permission for 452 dwellings, this application will increase the number of dwellings on the wider site to 463.

Following a consultation exercise, objections were received from residents from 5 properties. No technical objections were received from consultees.

The site is allocated for housing in the Local Plan and there is currently permission for 28 dwellings on the site, 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 that will complement the approved development. The development will not result in a significant detrimental impact on the amenities of existing local residents. The previous application for the site provided localised and strategic mitigation against the impact of the wider development on the local highway network. The traffic generated by a further 11 dwellings will be negligible and cannot be demonstrated to have a material impact on the operation of the network.

The development meets the requirements of the relevant national planning policies detailed within the NPPF, policies CA1, D1, D3 and G1 of the Nunthorpe Design Statement and Local Plan policies, H1, H10, H11, H12, H31, CS1, CS4, CS5 and DC1. The recommendation is for approval of the application subject to conditions and a S106 agreement.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is part of the wider Grey Towers development which is currently under construction. The application site is at the western edge of the wider site. To the north are existing dwellings within the Grey Towers site, and then the Ford Riding housing development site on Brass Castle Lane. To the west is an existing tree belt which separates the site from the Bridlewoods housing development on Brass Castle Lane. To the south is a sustainable drainage feature and existing houses within the wider Grey Towers site. To the east is an area of planting to create a new woodland belt which separates the application site from more dwellings within the wider site.

The site currently has consent for 28 dwellings on the site. This permission seeks to add an additional 11 dwellings increasing the number of dwellings to 39.

The 39 dwellings proposed consist of:

- a) 6no. three bed dwellings;
- b) 31no. four bed dwellings; and,
- c) 2no. five bed dwellings.

The proposed house types include one pair of semi-detached properties with the rest being detached. The majority of the dwellings are two storeys. Three of the dwellings are 2.5 storeys with rooms located in the roof space.

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

Documents submitted in support of the application include:

- Compliance Statement;
- Planning Statement;
- Design and Access Statement;
- Transport Statement;
- Travel Framework Plan;
- Flood Risk Assessment;
- Drainage Strategy;
- Noise Assessment;
- Ecology (Phase 1 Risk Assessment);
- Biodiversity Net Gain Metric and Details;
- Sustainability Appraisal; and,
- Statement of Community Involvement.

The wider site currently has permission for 452 dwellings, this application will increase the number of dwellings on the wider site to 463.

RELEVANT PLANNING HISTORY

23/0505/AMD Non-material amendment to alter specific plots house types
Approve 16th November 2023

22/0209/VAR Variation of condition 2 (Approved Plans), substitution of housetypes for 28 no. plots on application 18/0060/FUL
Approve with conditions 5th July 2022

19/0509/VAR Variation of condition 2 (Approved Plans) on application 19/0328/VAR substitution of housetypes
Approve with conditions 22nd October 2019

19/0328/VAR Variation of condition 2 (Approved Plans) to amend roof types, facing materials, garages and boundary treatments on application 18/0060/FUL
Approve with conditions 25th July 2019

18/0060/FUL Residential development comprising 238 dwellinghouses with associated access and landscaping
Approve subject to s106 Agreement 27th June 2018

M/OUT/0226/11/P Residential development of up to 295 dwellings, community centre & associated access (Outline)
Approve with conditions 15th October 2012

PLANNING POLICY

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

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

Middlesbrough Local Plan

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

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

National Planning Policy Framework

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

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

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

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

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

DC1 - General Development, CS5 - Design, CS4 - Sustainable Development, CS17 - Transport Strategy, UDSPD - Urban Design SPD, H1 - Spatial Strategy, H11 - Housing Strategy, NDS - Nunthorpe Design SPD, HGDC - Highway Design Guide, H31 - Housing Allocations, H12 - Affordable Housing, H28 - Land at Grey Towers Farm, CS18 - Demand Management, CS19 - Road Safety, H10 - Nunthorpe, CS6 - Developer Contributions, MWC4 - Safeguarding Minerals, MWP1 - Waste Audits

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

CONSULTATION AND PUBLICITY RESPONSES

Following a consultation exercise, including letters to nearby residents, site notices and a press notice, objections were received from 5 properties. The objections are summarised below.

Resident objections:

- a) Increase in traffic;
- b) Increase in parking on highway;
- c) Single width drives not adequate;

- d) Impact on highway safety and safety of residents;
- e) Increase in noise;
- f) Loss of privacy;
- g) Impact on design and appearance;
- h) House types and materials not in keeping;
- i) Small houses not appropriate on the site;
- j) Overbearing impact;
- k) Loss of green space;
- l) Environmental Impact;
- m) Inadequate local services; and,
- n) Inaccurate existing plans submitted.

Received from:

- 1. 14 Sinderby Lane;
- 2. 20 Sinderby Lane;
- 3. 22 Sinderby Lane;
- 4. 24 Sinderby Lane; and,
- 5. 28 Sinderby Lane;

Planning Policy – MBC

The site is allocated for housing in the Local Development Plan and the site benefits from extant permission for 28 dwellings therefore, the principle of residential dwellings on the site has been accepted.

The proposed development is contrary to Policy H1 in relation to the maximum number of dwellings identified for Nunthorpe. The proposed development is also contrary to Policy H28 in relation to the maximum number of dwellings identified for Grey Towers Farm. The conflict with these policies will need to be balanced against the material planning consideration that previous planning permissions for the wider site have been granted where these conflicts existed and with changes to National Policy in relation to restricting the density on a site.

Highway Authority – MBC

No objections are raised to the proposals. Standard conditions applied to previous applications are required.

Local Flood Authority – MBC

No objections.

Environmental Health – MBC

No comments

Waste Policy – MBC

Middlesbrough Council does not collect waste/recycling receptacles from shared drives. The residents serviced by shared drives will be required to make their waste/recycling receptacles available for collection by bringing them to the nearest public highway. Middlesbrough Council are not allowed to drive on shared drives.

Secured by Design – Cleveland Police

Cleveland Police encourages applicants to build/refurbish developments incorporating the guidelines of Crime Prevention Through Environmental Design (CPTED).

I would like to make you aware that Cleveland Police operate the “Secured By Design” initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments.

I recommend applicant actively seek Secured By Design accreditation, full information is available within the SBD Homes 2023 Guide at www.securedbydesign.com

I encourage contact from applicant/agent at earliest opportunity, if SBD Certification is not achievable you may incorporate some of the measures to reduce the opportunities for crime and anti-social behaviour. This is expected as reference to Secured By Design is highlighted within the Design & Access Statement.

Once a development has been completed the main opportunity to design out crime has gone. The local Designing Out Crime Officer should be contacted at the earliest opportunity, prior to submission and preferably at the design stage.

- The National Planning Policy Framework 2023 paragraph 92(b), which states that Planning policies and decisions should aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...
- The National Planning Policy Framework 2023, paragraph 130(f) which states that “Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.
- Policy CS5 (Design) of the Local Development Framework, section e states, creation of a safe and attractive environment, at all times of the day and night, where crime and disorder, or fear of crime, does not undermine quality of life or community cohesion by incorporating the aims and objectives of both Secured By Design and Designing Out Crime concepts into development layouts and is therefore a material consideration.
- Another material consideration is Section 17 of The Crime and Disorder Act 1998.

Further information on the Secured By design initiative can be found on www.securedbydesign.com

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

Strong consideration should also be given in relation to the provision of On- Site Security throughout the lifespan of the development. There is information contained within the Construction Site Security Guide 2021 also on the SBD website that may assist.

In addition to the above and having viewed the proposal I would also add the following comments and recommendations.

- All doors and windows are recommended to be tested and certified PAS24:2020/2016 standards (or equivalent)
This includes garage doors.
- Dusk til dawn lights are recommended to each elevation with an external door-set.
This also includes garage doors.

- ALL roadways and pathways, adopted or otherwise, are recommended to be to BS5489:2020 standards with a uniformity preferably to Secured By Design recommended one of 40%, as a minimum 25%. This includes the proposed shared surfaces.
- Proposed boundary treatments as outlined are recommended to be slightly altered. All proposed 1.8m high treatments onto public realm are recommended to be raised to 2.0m in height.
- The proposal to have dwellings orientated with frontage onto open land is to be recommended.

Cleveland Fire Brigade

Cleveland fire Brigade offers the following representations regarding the development as proposed.

As per the plans there seem to be several shared driveways. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 18 tonnes. This is greater than the specified weight in AD B Vol 1 Section B5 Table 13.1. The shared driveways need to be able to take the weight of the appliances above.

However Access and Water Supplies should meet the requirements as set out in: Approved Document B, Volume 1:2019, Section B5 for Dwellings.

Cleveland Fire Brigade also utilise Emergency Fire Appliances measuring 3.5m from wing mirror to wing mirror. This is greater than the minimum width of gateways specified in AD B Vol 1 Section B5 Table 13.1. Recommendations Cleveland Fire Brigade is fully committed to the installation of Automatic Fire Suppression Systems (AFSS) in all premises where their inclusion will support fire safety, we therefore recommend that as part of the submission the client consider the installation of sprinklers or a suitable alternative AFS system.

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

Natural England

No objection – subject to appropriate mitigation being secured

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Teesmouth and Cleveland Coast Special Protection Area and Ramsar site <https://designatedsites.naturalengland.org.uk/>.
- damage or destroy the interest features for which Teesmouth and Cleveland Coast Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- Full payment for the allocated 26.59 credits from the Nutrient Mitigation Scheme. This can be evidenced through completion of Section 9 in the relevant Credit Certificate.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Northumbrian Water

No response

Northern Powergrid

No response

Northern Gas

No response

Ward Councillors

No response

Nunthorpe Parish Council

No response

Nunthorpe Community Council

No response

PLANNING CONSIDERATION AND ASSESSMENT

1. The planning application before Members is a full application for the development of 39 dwellings and associated works including roads, drainage and landscaping. The site is an allocated site for housing in the Housing Local Plan and permission has previously been given for housing on the site. As a result the principle of dwellings on this land has been established. This application is for a re-plan of 28 dwellings (as the site currently has consent for 28 dwellings). The remaining 11 dwellings are additional dwellings. A total of 452 dwellings are approved for the Grey Towers site as a whole. This application seeks to raise the total number of properties to 463. This application will consider the principle of a further 11 dwellings on the site in planning policy terms and the highways implications, and the detail of the 39 dwellings proposed in terms of the drainage infrastructure, landscaping, appearance, scale and the site layout.
2. During the application process revised plans were received in response to comments raised by consultees and the planning officer. The revised plans made some alterations in relation to the position of boundary treatments and refuse collection points. The revised details also correct an error on the plan in relation to existing properties around the site to ensure they are accurate. The revised plans are the subject of this report.

Principle of Development

3. The application site is part of the wider Grey Towers site allocated in the Housing Local Plan for residential development where Local Plan Policy H28 applies.
4. Policy H1 identifies Land at Nunthorpe as a strategic housing location, for a maximum of 600 dwellings. Policy H11 identifies Nunthorpe for 595 dwellings, which includes Grey Towers Farm (within which the application site lies) (295 dwellings), South of Guisborough Road (250 dwellings) and Ford Close Riding Centre (50 dwellings), as allocated in Policy H31.
5. However, Policy H1 advises that proposals for more than the maximum dwelling requirements will be considered where it can clearly be demonstrated through a

design led approach and having regard to the characteristics of the surrounding area and any site specific policy requirements that an alternative capacity is more appropriate.

6. It should also be noted that following changes in the NPPF, any policies that restrict the number of dwellings on a site are considered to be out of date and not in line with national planning policies which seeks to support developments that make efficient use of land where housing isn't limited by number, but density is instead based on a design led approach. This view has been upheld at appeal by the Planning Inspector through multiple appeal decisions in Middlesbrough.
7. As such, it would not be appropriate to refuse a planning application solely on the grounds that the proposed number of dwellings exceeds the maximum figure stated in the Local Plan Policies. The principle of a higher number of dwellings at Grey Towers Farm than the maximum figure set out in Policy H28 has already been established through extant planning permissions.
8. In terms of types of housing, Policy H10 seeks to ensure that residential schemes at Nunthorpe reflect the high quality executive and three and four bedroom detached and semi-detached dwellings that exist within the surrounding area. Policy H11 seeks the provision of higher value housing at the strategic Nunthorpe site. Policy H28 requires that development proposals at Grey Towers Farm provide a bespoke executive residential development based on an approximate target density of seven dwellings per hectare that is centred around three character areas (a village core, village streets and houses in landscape) which are different, distinct and interlinked.
9. The outline permission, M/OUT/0226/11/P for 295 dwellings on the 41.39 hectare site at Grey Towers Farm would have represented a development of 7.1 dwellings per ha. With subsequent permissions, the density of development that has planning permission has risen to 10.9 dwellings per ha across the allocation site. The proposed development would take the density of the overall site to 11.2 dwellings per ha. The proposed development is, therefore, contrary to Policy H28 with regard to density of development. The principle of development at a density of more than seven dwellings per ha has, however, already been established through extant planning permissions. Whilst the proposed development would be at a density higher than the target indicated in Policy H28, the density of the site is still considered to be low and it is considered that it would not appear as an unduly dense development, having regard to the surrounding housing and levels of adjacent open space.
10. The proposed dwellings are not executive dwellings, which is acknowledged by the applicant, and are, therefore, contrary to Policy H28. The principle of an element of non-executive dwellings at the Grey Towers Farm site has, however, already been established by previous planning permissions for the site. The proposed dwellings consist of a mix of three to five bedroom dwellings, which with the exception of a pair of semi-detached dwellings are all detached. The use of a small number of smaller properties offers an enhanced choice across the wider site and provides opportunities for those who want to live in a high quality development which boast significant landscaped areas but do not want a large property.
11. Although the proposal is contrary to Policy H28 consideration needs to be given to providing housing to meet needs and balancing the policy requirements in the Plan. The National Planning Policy Framework (NPPF) makes clear that when local

planning authorities assess residential schemes they should take account of the need to deliver a wide choice of high quality homes, widen opportunities for different types of home ownership, and plan positively for the achievement of high quality and inclusive design for all development. In addition, the NPPF states that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.

12. Policy CS5 requires all development to demonstrate a high quality of design in terms of layout, form and contribution to the character and appearance of the area. Policy DC1 similarly requires that the visual appearance and layout of the development and its relationship with the surrounding area is of high quality and that the amenity of occupiers of adjoining dwellings is protected. Consideration should be given to whether the design of the dwellings proposed are in keeping with those approved on the wider site.
13. Policy H12 requires 15% of dwellings to be affordable in Nunthorpe ward. Policy H28 reiterates the requirement for 15% of dwellings to be affordable and advises that these can be either provided on site or as an equivalent off-site financial contribution. It is the intention of the applicant to meet this requirement through an off-site financial contribution, which can be secured through an appropriate s106 agreement. Paragraph 66 of the NPPF requires that at least 10% of dwellings shall be affordable home ownership.
14. Policy H28 also requires that development provides any necessary off-site improvements to transport infrastructure; provides off-site contributions to community facilities.
15. Policy CS17 requires that development is located where it will not have a detrimental impact on the operation of the strategic transport network. Policy CS18 requires that development proposals incorporate measures that improve the choice of sustainable transport options available and Policy CS19 requires that development proposals would not have a detrimental impact upon road safety. The proposed development has direct pedestrian access into the network of pavements and footpaths that connect the wider Grey Towers housing development with the surrounding area to encourage walking.
16. The Nunthorpe Design Statement is relevant to the consideration of this planning application. Policy CA1 seeks development layouts and designs that are sympathetic and reflect the surrounding urban grain. Policy D1 encourages high quality contemporary architecture. Policy D3 encourages the use of high quality sympathetic materials in new developments. Policy G1 seeks to maintain Nunthorpe as a green and leafy suburb, including landscape design that forms a key aspect of the layout, form and urban design quality of new development.

Highways.

17. Development proposals seek to substitute a number of housetypes within the Phase 6 element of the previously approved Grey Towers Farm development. These house type changes and reconfiguration of the layout of this phase results in an increase of 11 dwellings over that previously considered and approved. An increase on this application site from 28 to 39 and on the wider Grey Towers site from 452 to 463. Access arrangements for the phase and wider development remain unchanged.

18. The application has been supported by a Transport Statement which uses the same methodology with regards to trip generation as the previously considered and consented schemes. This methodology utilised survey data from the occupied element of the development. The subsequent trip rate established is appropriate and comparable to both the TRICS database and a survey of another site in Middlesbrough.
19. Paragraph 115 of the NPPF states that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” Based upon this evidence based approach the 11 additional dwellings will generate 6 two-way vehicle movements during the AM/PM highway peak periods. These peak periods are when the highway network is at its most sensitive. Such an increase in traffic equates to in the region of 1 vehicle every six minutes. Once this traffic is distributed onto the highway network and passes through adjacent junctions/takes different routes the impact is further reduced. When considering existing traffic flows and future traffic flows (which take into account the consented number of units on the development) the impact cannot be demonstrated to be significant or severe when assessed against the NPPF. The traffic generated by a further 11 dwellings will be negligible and cannot be demonstrated to have a material impact on the operation of the network.
20. The internal highway layout has not materially changed from that considered and approved previously and will be designed and constructed to MBC standards and offered for adoption. The in curtilage parking provision exceeds the maximum standards set out in the Highways Design Guide and managed areas of on-street casual caller/visitor parking have been provided.
21. There are existing public rights of way and bridleways at, and adjacent to the wider site. The developer has agreed to the dedication of a series of rights of way, bridleways and cycle paths throughout the Grey Towers development connecting the different landscaped areas and woodlands in the site, linking to the existing rights of way, bridleway and cycle network outside the site. The proposed development retains the links and connections approved previously on the site.
22. The application has been considered by the Local Highway Authority who have no objections to the scheme. The development is considered to be in accordance with the requirements of Local Plan Policies DC1 and CS5.

Flood Risk

23. A Flood Risk Assessment has been submitted in support of the application. The site is within National Flood Zone 1 which is classified as having a low probability of flooding, less than 1 in 1000 annual probability of river or sea flooding (<0.1%), residential dwellings are therefore an appropriate form of development in line with the NPPF technical guidance table 3.
24. The sustainable drainage scheme has been approved as part of the wider development. It is incorporated into the landscape to provide a high quality green environment which features including a pond and swales and will mitigate against flooding at the site.

25. Whilst the proposed development increases the number of dwellings from 28 to 39 the site impermeable area has been marginally reduced from 0.78ha to 0.76ha. Therefore, there is no change to any flood risks associated with the proposed development when compared to the approved development. The drainage strategy remains un-affected and no changes to the master plan drainage scheme is proposed.
26. The Local Flood Authority and Northumbrian Water have been consulted on the submitted flood risk assessment and drainage details and have no objections subject to relevant conditions. The development is considered to be in accordance with the requirements of Policies DC1 and CS4.

Environmental Matters

27. The application has been submitted with supporting documents assessing air quality, noise in relation to the surrounding highways and site contamination. Environmental Health have confirmed that they have no comments on the development as matters relating to noise, air quality and site contamination have already been dealt with as part of the wider site approvals.

Amenity

28. Objections have been received in relation to the number of properties that overlook the existing dwellings at the site. The revised layout results in one additional dwelling being located on the northern boundary of the site opposite existing dwellings, and one additional dwelling located on the southern boundary of the site opposite existing dwellings. The majority of the additional dwellings are positioned so that they face the woodland belts to the east and the west and the landscaped area to the southwest.
29. The proposed development has not changed the separation distances with existing residential dwellings in the Grey Towers site or the distances between the proposed dwellings, they remain as previously approved. It is considered that one additional property located opposite existing properties will not significantly alter the relationship with the existing dwellings or reduce their privacy. As a result the proposed layout and number of properties proposed will not have a significant detrimental impact on the privacy, or light of existing properties or the proposed properties.
30. Objections have been received in relation to the size of the dwellings being smaller and therefore of a reduced quality. The proposed dwellings either meet, or in the majority of cases exceed the government's space standards for new dwellings offering good amenity for the residents which is considered to contribute towards a high quality scheme.
31. It is considered that the development will not have a detrimental impact on the amenity of any existing residents, and the layout will ensure that new residents have adequate levels of amenities. The development is considered to be in accordance with the requirements of Policy DC1 and CS5.

Design

32. The proposed layout has not significantly changed as a result of the proposed replan including an additional 11 dwellings. The layout retains the high quality design

elements which have been implemented through the wider site. These include landscaped front gardens with boundary treatments that are in keeping with those approved in the surrounding areas both in terms of appearance and location. Separation of footpaths from the road and where possible removal of footpaths to reduce the extent of hard surfacing. Drives are located to the side or rear of properties and on-street visitor bays are in landscaped settings.

33. The proposed dwellings are located within the footprint of the previous phase. This scheme will retain the same level of public open space (opened landscaped areas, woodland and suds features) as the previously approved scheme. Importantly the increase in property numbers is achieved through the reduction of individual plot sizes within this part of the development.
34. The design of the dwellings proposed are in keeping with those approved on the wider site and examples of the dwellings can be seen completed on the site. The dwellings continue to take cues and characteristics from the North Yorkshire design ethos that is prevalent across the entire Grey Towers development. The use of varying boundary treatments, landscaping strategies and the fenestration, finishing materials and roof types link the proposed development with the earlier phases. As a result, although the development is higher density, it does not stray from the character and appearance of the approved development. It maintains the public space and therefore the key character principles of the overall Grey Towers development as originally envisaged has been maintained so that it is not considered to be out of keeping or to detract from the character of the area. The increase in numbers can be achieved without diluting the design principles upon which the development is based.
35. The proposed housetypes are of a good size in accordance with or exceeding government space standards. 9 house types are proposed, comprising 31no. four bed dwellings, 2no. five bed dwellings and 6no. three bed dwellings. The proposed housetypes incorporate various design details including hipped and gable roofs, bargeboards, soffits, decorative porches, and stepped elevations. The finishing materials proposed are the same as or reflect those approved for use in the wider site including both brick and stone. The design details and finishing materials result in a high quality appearance of the dwellings and the streetscene. Statement dwellings and corner turners have been located at prominent positions throughout the site to further enhance the streetscene and the quality of the development.
36. The NPPF requires local authorities to deliver a wide choice of high quality homes to significantly boost the supply of housing. The proposed dwellings offer a mix of high quality styles and sizes with varying garden sizes. The dwellings are considered to be in accordance with these requirements of the NPPF.
37. Previous applications for this site have been subject to conditions removing all permitted development rights for the residential dwellings. The removal of permitted development rights will enable the Local Planning Authority to further control alterations and extensions to the dwellings following their completion. This ensures that the high quality designs of the dwellings, and their relationship with their neighbours and landscaped areas are retained. For this reason it is considered that permitted development rights should also be removed for this development.

38. The proposed dwellings are considered to be high quality design in accordance with the requirements of Policies DC1, CS4 and CS5 of the local plan and policies CA1, D1, D3 and G1 of the Nunthorpe Design Statement.

Streetscene

39. The dwellings have been orientated to provide a maximum benefit from views over the open spaces and landscaped areas, with existing and new rights of way, cycle paths and bridleways penetrating the site connecting the properties to the landscaped and wooded areas and the wider right of way network. Statement dwellings have been located at prominent positions throughout the site to further enhance the streetscene and quality of the development.
40. The majority of the dwellings proposed are detached dwellings, however the development includes 1 pair of semi-detached dwellings. These dwellings have been designed so that they are in keeping with other dwellings on the wider site, as a result they will not appear overly different from the rest of the dwellings on site in terms of their appearance on the streetscene.
41. The layout incorporates secured by design principles with properties facing onto open areas and walkways providing high levels of natural surveillance. Future residents will also benefit from the open aspects.
42. It is considered that the development will not have a significantly adverse impact on the character and appearance of the area and will result in an attractive green streetscene to the benefit of existing and future residents. The development is in accordance with the requirements of Policies CS4 and CS5.

Biodiversity Net Gain (BNG)

43. Since April, BNG has become a mandatory requirement under Schedule 7A of the Town and Country Planning Act 1990. All relevant applications must deliver a BNG of 10%, which means that development will result in a more or better quality natural habitat than there was before development.
44. The application has been supported by a Biodiversity Net Gain Report. The report notes that there has been degradation of habitat on the site since the commencement of development on the wider Grey Towers site. As a result historic imagery and documents were used to establish a baseline in 2018 prior to any works on the site.
45. The Biodiversity Statement establishes the site's baseline biodiversity unit value of 5.09 habitat units and 0.46 hedgerow units. Following completion of the development the site will generate 1.29 habitat units and 0.44 hedgerow units, representing a loss of 74.48% in habitat units and 4.5% in hedgerow units respectively.
46. To ensure compliance with the mandatory 10% biodiversity regulations, and in accordance with the biodiversity gain hierarchy, opportunities to achieve a 10% biodiversity gain for the development have been examined in a desk-based review of sites within immediate proximity to the development and within the clients control/ownership. It is estimated that these combined offsite areas generate 4.69 habitat units and 0.09 hedgerow units.

47. When considering the units created offsite (but within the wider Grey Towers development to offset the losses onsite) it is considered possible to achieve a 17.29% net gain in habitat units and 15.79% net gain in hedgerow units (and that meet Trading Rules) for the development and thus meeting mandatory Biodiversity Regulation requirements.
48. These figures are based on a desk-based assessment and a separate Habitat Bank registration process for these sites will establish exact biodiversity units that can be achieved, and where and how they can be achieved. It is the developer's intention to create the Grey Towers biodiversity gain requirement to meet the mandatory 10%. Any additional Units will not be registered as a Habitat Bank for this development. The trading rules for this project are currently satisfied.
49. It is the planning view that a combination of onsite and offsite works in the wider Grey Towers site can provide the minimum 10% net gain required and this can be detailed in the biodiversity gain plan that will be submitted to discharge the standard BNG condition. In addition, a s106 agreement will secure a maintenance plan to give comfort to the LPA that the BNG can be achieved for the minimum 30 years.

Nutrient Neutrality

50. Nutrient neutrality relates to the impact of new development on the Teesmouth and Cleveland Coast Special Protection Area (and Ramsar Site) (SPA) which Natural England now consider to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the SPA. It is understood that this has arisen from developments and operations which discharge or result in nitrogen into the catchment of the River Tees. Whilst it is understood that this will include farming activities and discharge from sewage treatment works, it also relates to waste water from development. New development therefore has the ability to exacerbate / add to this impact. Natural England has advised that only development featuring overnight stays (houses, student accommodation, hotels etc) should be deemed to be in scope for considering this impact although this is generic advice and Natural England have since advised that other development where there is notable new daytime use such as a new motorway service area or similar could also be deemed to have an impact which may require mitigating. As with all planning applications, each has to be considered on its own merits. Furthermore, it is recognised as being particularly difficult if not impossible to accurately define a precise impact from development in relation to nutrient neutrality given the scale of other influences. Notwithstanding this, the LPA need to determine applications whilst taking into account all relevant material planning considerations.
51. The Local Planning Authority must consider the nutrient impacts of any development within the SPA catchment area which is considered to be 'in-scope development' and whether any impacts may have an adverse effect on its integrity that requires mitigation. If mitigation is required it will be necessary to secure it as part of the application decision unless there is a clear justification on material planning grounds to do otherwise.
52. In-scope development includes new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). This is not an exhaustive list. It also includes agriculture and industrial development that has the potential to release

additional nitrogen and / or phosphorous into the system. Other types of business or commercial development, not involving overnight accommodation, will generally not be in-scope unless they have other (non-sewerage) water quality implications.

53. Following the completion of a Habitat Regulation Assessment this development is considered to be in scope and has been put through the Teesmouth Nutrient Budget Calculator which established the total annual nitrogen load the development must mitigate against.
54. There are a number of ways a development can mitigate against nitrogen, one of which is to apply to Natural England for credits. In relation to the proposed development the applicant successfully applied to Natural England for credits.
55. The mitigation is considered to be acceptable for this development, subject to the provisional Nutrient Credit Certificates becoming final Nutrient Credit Certificates. It is the planning view that this can be controlled by a pre-commencement condition being placed on the planning application, should it be approved, which requires a copy of the final credit certificate to be sent to the Local Planning Authority prior to any works commencing on site.
56. The proposed development will not have an unacceptable impact in terms of nitrate generation/pollution as the applicant has been able to demonstrate acceptable mitigation. As a result the scheme will not have a Likely Significant Effect. Natural England have confirmed that they have no objections to the development. On this basis the scheme is considered to be acceptable.

Section 106 Agreement

57. A financial contribution for education facilities of £750,000 was required as part of the original outline consent for the site. The additional dwellings on the site do not result in a need for a further contribution beyond that already agreed.
58. A contribution of £200,000 has been made towards Marton library as a result of the original s106, it is considered that a further contribution is not required as a result of the additional 11 dwellings proposed.
59. The Local Highway Authority have confirmed that an increase of 11 dwellings on the site has a negligible impact on the highway network. As a result, it is not considered to be reasonable to seek a further financial contribution towards highway mitigation.
60. Financial contributions are being sought towards offsite affordable housing and community facilities as a result of the proposed development. These will be secured through a section 106 agreement.
61. The affordable housing contribution of £200,052.85 will equate to the provision of 2 properties offsite which represents 15% of the additional 11 dwellings. Contributions for affordable housing from the 28 dwellings that are a replan as part of this application have already been sought through previous applications, therefore a further contribution is not required.
62. The community facilities contribution of £10,000 will be provided towards the provision and/or improvement of community facilities serving the Nunthorpe area.

Other Matters

Non-material Planning Considerations

63. A number of the comments made by residents are not material planning considerations, as a result they are not considered as part of the analysis of this application. Such comments include but are not limited to; existing covenants on the estate, reduced property value, no direct consultation was received from the developer and the proposed layout is not what they were sold when buying their house.

Social and Economic Benefits

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

Conclusion

65. The analysis of the development determines that the proposals are for a sustainable development, which will assist in economic growth in the town. The proposed layout and dwellings are of a high quality design and would provide a pleasant and sustainable environment. Significant landscaped areas on the wider site are unaffected by the proposed replan and additional dwellings and will enhance ecological potential and will benefit the wider community. The development can achieve the required 10% biodiversity net gain with a combination of onsite and offsite works. There are no statutory objections to the proposal in terms of the sustainability of the site or the ability to meet necessary flood, ecology, highways and noise mitigation.
66. The application site is an allocated site within the approved Housing Local Plan. Although the additional dwellings conflict with some elements of Policy H28 it meets the other requirements of this policy and other relevant local and national policies. On balance the conflict with policy H28 does not outweigh the social, economic and environmental sustainable benefits of the development.
67. It is the planning view that none of the material objections raised will result in a significantly detrimental impact on the character of the area, the nearby residents or the community as a whole. The proposals do not conflict with local or national policies relating to sustainability, design, transport, open space or flood risk. The development will support the spatial vision set out in the development plan.

RECOMMENDATIONS AND CONDITIONS

Approved subject to a s106 agreement and the conditions and informatives set out below.

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 (Coloured Masterplan), drawing no. NE-15-07 L;
- b) Planning Layout, drawing no. NE29 600-01 rev. E;
- c) Materials Layout, drawing no. NE29 600-02 rev. C;
- d) Boundary Treatments, drawing no. NE29 600-05 rev. C;
- e) Refuse Strategy, drawing no. NE29 600-04 rev. C;
- f) Parking Layout, drawing no. NE29 600-03 rev. C;
- g) House Type Brochure, Grey Towers ph.6, received 12th February 2024;
- h) Lutterworth Det Floor Plans and Elevations, received on 27th June 2024;
- i) Biodiversity Net Gain Statement & Assessment, reference no. BIOC23-144 v2.0;
- j) Grey Towers Village, Phase 6, Transport Statement, report no. 0001.1 dated 28/02/2024;
- k) Validation Survey Results, reference no. 1988.3A;
- l) Flood Risk Assessment, reference no. 1016512-C-RPT-001 rev. E;
- m) Proposed Drainage Layout Phase 6, drawing no. CLXX(52)4012-1 rev. P;
- n) Proposed Drainage Layout Phase 6, drawing no. CLXX(52)4012-2 rev. Q;
- o) Drainage Details, drawing no. CLXX(52)5021 rev. B;
- p) Drainage Details, Sheet 2 of 2, drawing no. CLXX(52)5021.2 rev. C;
- q) Foul Water Longsections POD A & B, drawing no. CLXX(52)5046 rev. E;
- r) Surface Water Longsections POD A & B, drawing no. CLXX(52)5041 rev. E;
- s) Proposed Attenuation Ponds Plans and Typical Cross Sections, drawing no. CLXX(52)5011 rev. E;
- t) Manhole Schedule, Phase 6, drawing no. CLXX(52)5001 rev. H;
- u) Proposed Attenuation Pond Details, drawing no. CLXX(52)5012 rev. D;
- v) Phase 6 Surface Water Cals, reference no. 1016512-CALC-SW-0001, dated 11.01.2024;
- w) Proposed External Levels, Phase 6 / POD B, Sheet 1, drawing no. CLXX(90)4002-1 rev. N; and,
- x) Proposed External Levels, Phase 6 / POD B, Sheet 2, drawing no. CLXX(90)4002-2 rev. P.

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 Materials Layout, drawing no. NE29 600-02 rev. C, or in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

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

4. 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.

5. Car and Cycle Parking Laid Out

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

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

6. Surface Water Drainage Approved Details

The development shall not be occupied until the surface water drainage works have been implemented in accordance with the approved details listed below, or in accordance with details to be submitted to and approved in writing by the Local Planning Authority, which follow the principles as outlined in the Flood Risk Assessment, reference no. 1016512-C-RPT-001 rev. E and restricts surface water discharge from the development to a greenfield runoff rate of 5 l/s or as specified by the LLFA.

- a) Flood Risk Assessment, reference no. 1016512-C-RPT-001 rev. E;
- b) Proposed Drainage Layout Phase 6, drawing no. CLXX(52)4012-1 rev. P;
- c) Proposed Drainage Layout Phase 6, drawing no. CLXX(52)4012-2 rev. Q;
- d) Drainage Details, drawing no. CLXX(52)5021 rev. B;
- e) Drainage Details, Sheet 2 of 2, drawing no. CLXX(52)5021.2 rev. C;
- f) Foul Water Longsections POD A & B, drawing no. CLXX(52)5046 rev. E;
- g) Surface Water Longsections POD A & B, drawing no. CLXX(52)5041 rev. E;
- h) Proposed Attenuation Ponds Plans and Typical Cross Sections, drawing no. CLXX(52)5011 rev. E;
- i) Manhole Schedule, Phase 6, drawing no. CLXX(52)5001 rev. H;
- j) Proposed Attenuation Pond Details, drawing no. CLXX(52)5012 rev. D;
- k) Phase 6 Surface Water Cals, reference no. 1016512-CALC-SW-0001, dated 11.01.2024;
- l) Proposed External Levels, Phase 6 / POD B, Sheet 1, drawing no. CLXX(90)4002-1 rev. N; and,
- m) Proposed External Levels, Phase 6 / POD B, Sheet 2, drawing no. CLXX(90)4002-2 rev. P.

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. Biodiversity Gain Plan

The development hereby approved shall not commence until a Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: As required under the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990.

8. Landscape Management Plan

A Landscape Management Plan including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the first occupation of the approved dwellings. The Landscape Management Plan shall be carried out as approved.

Reason: In the interests of the general amenities of the area.

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

9. Replacement Tree Planting

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

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

10. PD Rights Removed Access

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

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

11. PD Rights Removed Means of Enclosure

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

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

DC1 and section 12 of the NPPF.

12. PD Rights Removed Extensions/Alterations and Outbuildings

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

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

13. Water Consumption

Water usage will be limited to 115 litres/person/day as measured in accordance with a methodology approved by the Secretary of State.

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

14. Nutrient Mitigation Scheme – Credits or Suitable Alternative

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

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

Reason for Approval

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

The relevant policies and guidance is contained within the following documents: - National Planning Policy Framework 2012 - Middlesbrough Local Development Framework (LDF) - Core Strategy (2008); Regeneration DPD and Proposal Map (2009) - Middlesbrough Housing Local Plan, Housing Core Strategy, Housing Development Plan Document (2014) and the Nunthorpe Design Statement (2011).

In particular, the proposal meets the national planning policy framework and

guidance, in that the proposal is for a housing development that would not be out of scale and character within the surrounding area and would not be detrimental to the local and residential amenities of the area. Issues of principle regarding development on an allocated site, the layout and design of the housing scheme and the generation of traffic, have been considered fully, including those set out in the representations made by nearby residents, and are not considered, on balance, to give rise to any inappropriate or undue affects. Accordingly, the Local Planning Authority considers that there are no material planning considerations that would override the general assumption that development be approved unless other material factors determine otherwise.

INFORMATIVES

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

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

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

- Rights of Access/Encroachment
This planning approval does not permit any person to access another person's land/property to enable the works to be completed, without their consent. Any encroachment into another person's land/property above or below ground is a civil matter to be resolved between the relevant parties.
- S106
This permission is subject to an agreement under section 106 of the Town and Country Planning Act 1990 as amended.
- Statutory Undertakers
The applicant is reminded that they are responsible for contacting the Statutory Undertakers in respect of both the new service to their development and the

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

- **Name and Numbering**
Should the development require Street Names, Numbers and/or Post Codes the developer must contact the Councils Naming and Numbering representative on 01642 728155.

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

- **Wildlife and Countryside Act**
The applicant is reminded that under the Wildlife and Countryside Act 1981 it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August. Trees and scrub are present on the application site should be assumed to contain nesting birds between the above dates unless a survey has shown conclusively that nesting birds are not present.

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

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

- **Cleaning of Highway**
The applicant is reminded that it is the responsibility of anybody carrying out building work to ensure that mud, debris or other deleterious material is not deposited from the site onto the highway and, if it is, it shall be cleared by that person. In the case of

mud being deposited on the highway wheel washing facilities should be installed at the exit of the development.

- Adoption of Highway - S38

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

- Works to Highway - S278

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

Case Officer: Shelly Pearman

Committee Date: 11th July 2024

Appendices

Appendix 1 Location Plan



Appendix 2 Proposed Layout



Appendix 3 Example of House Types



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APPLICATION DETAILS

Application No:	24/0164/FUL
Location:	The Avenue Play Area, The Avenue, Middlesbrough, TS7 0AG
Proposal:	Installation of play equipment
Applicant:	Middlesbrough Council
Ward:	Nunthorpe
Recommendation:	Approve Conditionally

SUMMARY

The application seeks planning approval to install additional play equipment at The Avenue Play Park in Nunthorpe. Additional equipment will include a Children's Trim Trail, consisting of 7 individual play items and step posts. Two additional lamp columns are also proposed. The position of the items are shown on The 'Technical Layout Plan' within the appendices at the bottom of this report.

The application is a resubmission of a previous scheme which was deferred and later withdrawn to address concerns raised by members / residents which included the location of the play equipment in proximity to the adjacent footpath and the position of the basketball hoop. There were also complaints regarding the lack of consultation with residents prior to the planning application being submitted.

The site is set between two streets (The Avenue and The Resolution) and a pedestrian footpath connects the two, with open space and the existing play equipment within it. Taking on board resident comments and following further consultation with residents, the proposed play equipment has been positioned to the north of the site in a curved arrangement, being to the north of the footpath. Three objections have been received from residents which largely relate to anti-social behaviour (noise, nuisance, damage to equipment) and increase in traffic and parking problems.

The additional equipment is set away from houses within the area and close to the existing play equipment is located, with a degree of natural surveillance as well as existing CCTV coverage along with proposed additional lighting. In view of these matters it is considered that the proposal will not have an adverse impact on the character of the area and will be a complementary addition to the existing established play park and will be of public benefit and provide children with a greater provision. It is also considered that the equipment is shown in positions that will limit any impacts associated with the use of the equipment on residential amenity and highway safety nor would it be detrimental to users of the main footpath link.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The planning application site relates to The Avenue Play Park, forming part of a larger area that is defined as Primary Open Space within the Council's Local Plan. The areas directly west and south of the site has recently been awarded Village Green status, although not typical in layout as this area acts as back land to the rear of the houses/residential estates that sit either side. The application seeks planning approval for additional play equipment within this established designated play park. The existing park and play equipment is to the west of The Avenue in Nunthorpe across the road from a small parade of shops. There is a public footpath that runs through the open space and along the edge of the park from The Avenue up to The Resolution. The area surrounding the park and wider area of open space is predominately of a residential nature.

The application seeks to install 7 individual items of play equipment including a log rope crossing, wobble/jungle bridge, double balance beam, early Years A frame, weave beam, wobble disc, rope walk with step posts and grass mat surfacing.

PLANNING HISTORY

23/0166/FUL – Installation of play equipment - Withdrawn

PLANNING POLICY

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

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

Middlesbrough Local Plan

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

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

National Planning Policy Framework

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

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

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

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

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

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

CONSULTATION AND PUBLICITY RESPONSES

Public Responses

Number of original neighbour consultations	
Total numbers of comments received	4
Total number of objections	3

Total number of support	0
Total number of representations	4

Comments were received from the following residents which are summarised below for the purpose of this report -

Mr Johnson – 7 The Resolution
Mr Miller - 109 The Avenue
Mr Porteous – 103 The Avenue
Ms J Reilley – 5 The Resolution

- Addition equipment will increase anti-social behaviour.
- Wooden equipment will be burnt/damaged
- Additional noise, rubbish, nuisance to local residents
- Any increase in the attraction will cause increase in traffic and parking problems
- Will increase maintenance costs in the area

Concerns were also raised as some of the new equipment shown broadly on plan and appeared to overlay the area where the swings are located which led to some residents expressing concerns they would be removed as part of the overall works.

It has been confirmed that the swings are **not** to be removed and will be retained on site. An updated Technical Layout plan has also been submitted for clarity.

Neighbourhood Safety Officer

I understand that consideration has now been made to additional lighting, however, do you know if consideration has been made regarding upgrading the current CCTV coverage?

Cleveland Police

Having viewed the proposal and conducted a site visit I would make the following comments.

Poorly designed and specified communal areas, such as playgrounds, toddler play areas, seating facilities have the potential to generate crime, the fear of crime and anti-social behaviour.

These may often be referred to as: Local Areas of Play (LAP) – primarily for the under 6 year olds

Local Equipped Area for Play (LEAP) – primarily for children who are starting to play independently

Neighbourhood Equipped Area of Play (NEAP) – primarily for older children

Multi-Use Games Areas (MUGA) – primarily for older children

Facilities should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Boundaries between public and private space should be clearly defined, and open spaces must have features which prevent unauthorised vehicular access. Communal spaces as described above should not immediately abut residential buildings.

The open space must be inclusively designed with due regard for wayfinding, permeability and natural surveillance Adequate mechanisms and resources must be put in place to ensure its satisfactory future management and maintenance.

Care should be taken to ensure that a lone dwelling will not be adversely affected by the location of the amenity space. It should be noted that positioning amenity/play space to the rear of dwellings can increase the potential for crime and complaints arising from increased noise and nuisance.

On a Site-Specific basis, I therefore recommend care in the positioning of the additional equipment in this location to ensure that its usage will not cause issues for the nearby flats or for users of the existing pathways. Locating the equipment suitably distanced from these will reduce opportunities for future issues.

The shrubbery and tree canopies surrounding the play area should be pruned/crowned to maximise both formal and informal surveillance across the facility from the aforementioned flats as well as The Avenue and also the cc-tv camera that is in situ. Shrubby should not be above 1m in height and the tree canopy should be above 2.0m to allow for the corridor of sight to be maximised.

Materials used for the equipment should be of a robust nature and resistant to damage, fire and for graffiti to be easily removed.

Having consulted with Local Neighbourhood Policing I am aware that this location, like a lot of similar such locations, can attract sporadic anti-social- behaviour issues. Careful design and management, including implementing these recommendations can assist in reducing these opportunities.

Highways

No Objection

Environmental Health

No Comments

PLANNING CONSIDERATION AND ASSESSMENT

Policy

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

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

Site layout and appearance

8. The site in question is already an established play park that is accessed east of The Avenue and forms part of a wider area of primary open space which includes an area of mown amenity grass and is bounded by a grouping of trees, vegetation, shrubs and public footpath and is considered to be a positive asset of the area. This land is currently defined as primary open space in the local plan and is therefore for the benefit of the public and is protected from development in most regards. The additional play equipment to the existing play park is considered to complement the function and use of this open space and will add to its community benefit resulting in it being compliant with Local Plan Policy E7 in this regard.
9. The proposed equipment is of a scale and design typical of other play equipment found elsewhere with in other parks across the town and will complement and enhance the existing play park equipment already in-situ whilst ensuring the remaining green space is retained in accordance with Local Plan Policy CS4.

10. The proposal is unlikely to have any significant visual impact on the surrounding area as the play equipment will be located within the area of open space to the north of the site which is a relatively discreet location which already hosts a range of play items. As such equipment should not appear prominent or be highly visible and would not appear out of place within their setting in accordance with Local Plan Policy CS5. The proposal will also make a positive contribution to the neighbourhood environment in accordance with The Councils Design Guide.

Amenity of the neighbouring properties

11. There are residential properties in the immediate area with some properties either backing onto the play park/area of open space or that sit adjacent to it. Whilst the proposal will see the number of play items increased on site, it is considered that the additional play equipment will not have a significant additional impact on the amenity of nearby residents, beyond that of the existing play equipment on site as equipment will be located sufficiently away from any main habitable rooms ensuring that any impact in terms of outlook is minimal.
12. A number of residents have raised concerns with regards anti-social behaviour increased noise and litter. Whilst these are noted and accepted as likely impacts of the existing park and future proposals, anti-social behaviour is not a material planning consideration as it something that may or may not happen and therefore would not warrant refusal of the application. Furthermore, anti-social behaviour can take place outside shops, schools and other similar places and this would not prevent the provision of such facilities. It is important however that the siting of the play equipment and the scale of the play park is appropriate for its location and not imposing significant demands on what is a 'local' area due to the likely extent of use that it will receive. Whilst the amount of equipment is increasing and its location within the area, it is considered that the provision remains to be one of a local scale / nature rather than being a more strategic provision which would have an excessive draw for this area.
13. It is noted that there is already CCTV at the top of the park which is monitored and also noted that further improvements could be made such as ensuring foliage around the park is maintained in such a way to prevent restriction to the cameras coverage. This is essentially a matter for the management of the CCTV operator and an informative is recommended that a review of the CCTV is undertaken to ensure it has adequate coverage. As there is existing CCTV and the play equipment is in the same area as the existing equipment, it is considered additional cameras are not necessary as a result of this proposal.
14. Existing lighting in this location should serve to light the footpath and contribute to it being a safe place. Having received consultation responses from both the Police and Neighbourhood Safety Officer it is understood that they are already aware that in this location, like a lot of similar such locations, playparks can attract sporadic anti-social-behaviour issues, but it is also recognised that careful design and management, can assist in reducing these opportunities ensuring the site and existing CCTV is regularly monitored. It is considered that this proposal reflects good design in this regard as it achieves natural surveillance, CCTV coverage and is lit.

Highway Safety

15. The application site is accessed via the public footpath which runs from the western side of The Avenue to the eastern side of The Resolution. There is no vehicle access and no designated car park associated with the park. However this is a

neighbourhood park which was originally designed and intended to provide "close-to-home" recreational opportunities to serve neighbours within walking and bicycling distances and children travelling to and from the nearby schools. The additional equipment may see the increase of users of the park although it's unlikely it will be of a significant level. The park is of a modest scale which is unlikely to attract high number of visitors from outside of the area who would need to travel by car. It is therefore considered that the proposal would not result in a significant increase in terms of traffic or car parking near the site. Whilst some items of play equipment have been positioned adjacent the public footpath that runs south of the park, there will still be an acceptable clearance between the equipment and footpath ensuring that the width and openness of the existing public walkway remains so that it is still inviting to use and won't disrupt the use of the footpath in anyway in accordance with the principle's of good design and the relevant parts of Local Plan Policy DC1 and Secure by Design Guidance.

Conclusion

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

RECOMMENDATIONS AND CONDITIONS

Approve subject to the following conditions and informatives

1. **Time Limit**
The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990
2. **Approved Plans**
The development hereby approved shall be carried out in complete accordance with the plans and specifications below and shall relate to no other plans.
 - a. Location plan received 24th April 2024
 - b. Technical layout plan received 2nd July 2024
 - c. Site plan/Lamp position plan received 24th April 2024
 - d. Lamp column details received 2nd May 2024

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

REASON FOR APPROVAL

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

INFORMATIVES

Review of CCTV

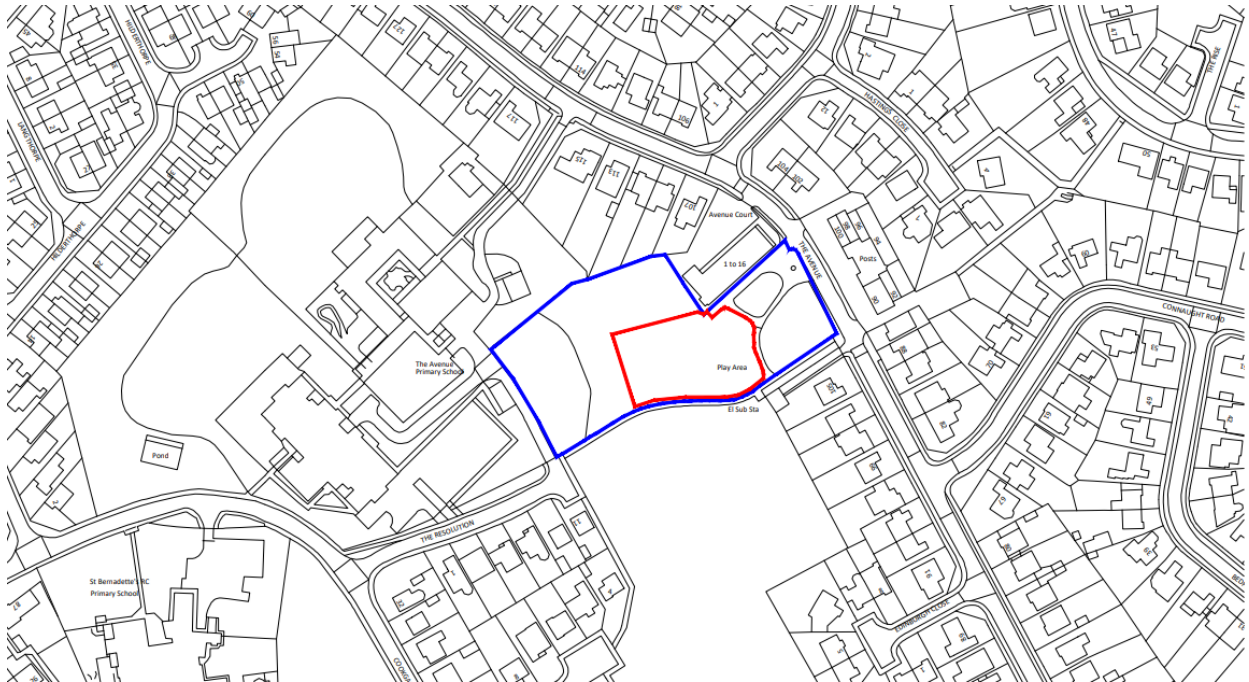
Taking into account residents' comments and those of the Police ALO it is advised that a review of the CCTV is undertaken to ensure it has adequate coverage to cover all equipment within the part and that planting, and trees are maintained in a manner which does not unduly restrict such coverage.

Case Officer: Joanne Lloyd

Committee Date: 11th July 2023

Appendices

Appendix 1. Site location plan



Appendix 2. Play equipment proposed

	Play Item	Length	Width	Height
Children's Trim Trail	Balance Beam	2.4	0.35	0.12
	Wobble/Clatter Bridge	2.5	1.3	0.95
	A Frame	1.2	1.2	1.5
	Stepping Logs	1.5	0.2	0.4
	Swinging Logs	3	2	0.65
	Weave Beam	2.4	2	0.4
	Wobble Disc	1	1	0.4

Appendix 3. Image of play equipment



Appendix 4. Proposed Site Layout



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APPLICATION DETAILS

Application No:	24/0179/COU
Location:	22 Dixons Bank, Middlesbrough, TS7 8NT
Proposal:	Change of use from residential dwelling (C3) to care facility (C2)
Applicant:	Mr Stephen Ashton
Agent:	Adapt Architectural Solutions Ltd
Ward:	Marton East
Recommendation:	Approve Conditionally

SUMMARY

The application seeks planning permission for the change of use of the property from a residential dwellinghouse (C3) to residential care facility (C2).

Following the consultation period, a number of objections were received expressing concerns about the proposals and their expected operations. The main issues raised were on the grounds of staff parking and general traffic movements at the site and along the side road, as well as the associated nuisance implications of the potential children residents.

Noting the number of expected staff and users at any one time and the parking spaces within the curtilage of the application site, it is the Officer view that the number of vehicles anticipated with the proposals can be accommodated at the site. Any surplus parking outside of the site is likely to be infrequent and can be accommodated near the property and is not likely to adversely affect the amenities of nearby residents.

The activities associated with the proposed residential care facility use are considered to be compatible and appropriate within a residential estate in a suburban context. Many issues raised relating to anti-social behaviour have no evidence to demonstrate that this would be the outcome of the use and such matters could also be associated with the occupation of any residential dwelling.

It is the Officer view that the proposals be approved subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is a two-storey detached residential dwellinghouse situated on the eastern side of Dixons Bank, Marton. The local area is a well-established residential area, which comprises predominantly of two-storey semi-detached properties arranged at a medium density.

Planning permission is sought for the change of use of the property from a residential dwellinghouse (C3 use class) to a residential care home for young people (C2 use class). Consent is being sought for the caring of up to five children between the ages of 9 and 17. The principal reason for the change of use of the property is the requirement to move from its existing premises at Rigwood House in Saltburn. It is understood that the five children who currently reside at Rigwood House would be transferred to the application property.

It is stated within the application that the current facility at Rigwood House employs 12 staff, although the number of staff on shift at any one time would be three. It is understood that staff will be on site 24/7 to provide care.

No alterations to the external appearance of the building are proposed.

PLANNING HISTORY

There is no relevant planning history.

PLANNING POLICY

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

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

Middlesbrough Local Plan

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

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

National Planning Policy Framework

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

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

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

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

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

Core Strategy

DC1 (General Development)
CS4 (Sustainable Development)
CS18 (Demand Management)
CS19 (Road Safety)

Local Plan

H1 (Spatial Strategy)
H11 (Housing Strategy)
CS17 (Transport Strategy)

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.

<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

CONSULTATION AND PUBLICITY RESPONSES

Neighbour consultation letters were sent to properties surrounding the application site and a site notice was also displayed at the site giving wider publicity for the application.

Summary of Public Responses

Number of original neighbour consultations	24
Total numbers of comments received	21
Total number of objections	21
Total number of support	0
Total number of representations	0

List of addresses submitting objections to the application:

- 48 Captain Cooks Crescent
- 54 Captain Cooks Crescent
- 2 The Croft
- 3 The Croft
- 13 The Croft
- 2 Dixons Bank
- 6 Dixons Bank
- 8 Dixons Bank
- 12a Dixons Bank
- 14 Dixons Bank
- 18 Dixons Bank
- 20 Dixons Bank
- 24 Dixons Bank
- 2 Grange Crescent
- 33 Tasmania Square
- 56 Tasmania Square
- 60 Tasmania Square
- 62 Tasmania Square
- 64 Tasmania Square (two separate objections received)
- 66 Tasmania Square

Objections have also been submitted from the two ward Councillors.

Ward Councillor Dorothy Davison

- No objection to children living there but have concerns about their welfare. The children are being moved into an area surrounded by houses with quite a small garden when they have been living in a quiet house with lots of land around it.
- They will be very near a main road which has over 25000 cars using it every day.
- The front of this house has a few parking spaces (four). Where will others park?
- The area is used by shop owners and workers.

Ward Councillor Jason McConnell

- There are existing problems getting into and out of properties along Dixons Bank. There are cars up and down the road all day every day.
- The [side] road is used as a path en route to schools and the shops.
- The property is not situated in the right place for a children's care facility to house 5 children and members of staff, social workers etc.
- There will be an increase in vehicles (taxis) for family members and visitors.
- It will not be safe for pedestrians.

Summary of Comments Received

It is considered that the below represents a summary of the objections and other concerns raised following the consultation period of nearby properties.

General Use

- This is not a suitable house for a care home.
- The children of the care home are used to living at a larger dwelling with lots of outdoor space. This property does not provide the same level of garden capacity which is important for their well being.
- The children who will be living at the address would benefit from living at a safer and less busy road.
- The children living there will not attend schools in the area and, therefore, there is a potential for up to five taxis attending the property on a daily basis.
- The children would be at the address until they are 18, not 17 as stated in the application.
- Children living here would be a flight risk. A recent FOI request revealed that one child at Rigwood absconded and went missing 42 times in a year. Across five children, that is over 200 escapes a year onto a busy main road.
- The property is situated within 200m of 2 pubs.
- This will lead to an increase in potential for crime, fear of crime in the neighbourhood. There is likely to be problems from the new occupation, including anti-social behaviour, crime, drugs and alcohol, which will directly contribute towards degradation of the area.
- Crime in the area is low and we do not want a childrens/offenders home or similar in the path towards our shops and schools.
- The balcony is not considered appropriate for the change of use proposed.
- Why can a suitable property not be selected in Saltburn [where the existing use is].
- The leisure activities here [in Marton] are almost non existent and not what is claimed in the application.

Highways

- There will be an increase in the vehicle movements to and from the property, which will be different to a normal residential property.
- The site cannot accommodate the seven vehicles shown on the site plan.
- A car could not fit in the garage as shown.
- The site cannot accommodate the number of cars anticipated. Vehicles for care staff, family and friends, support services will all visit the property and require constant and changing access to the property, which will only exacerbate the congestion and parking problems.
- Cars could not leave practically if the drive was full. Cars would have to reverse out which is very dangerous next to the main road.
- There are already parking problems on the road as vehicles park on the highway [no designated parking spaces on the side road] with people working at the shops or collecting/dropping children at the nearby school. This can also lead to obstruction of driveways and the proposals will add to this and undermine highway safety.
- This location is dangerous as there is no pavement outside the application property and any children leaving will walk straight onto public road. Likewise with people using the side road, the considerable traffic movements in and out of the site would be dangerous.
- Children at the address could run out in front of traffic.
- There have been many accidents close to the property including a fatal car accident directly outside 22 Dixons Bank.
- The proposed location is a high risk location on an extremely busy road and junction and this will place children at risk.
- Public transport links are not adequate to sustain staff and other movements, so car use will be the main transport used.

- The application will adversely impact highway safety and car parking provision.

Amenity/Character of Local Area

- The proposed use would affect the dynamic of the area and result in the reduction of enjoyment of residents properties.
- The use of the house for a business in a residential area is not appropriate.
- This area has very few children so this property will not provide the children with the integration into the community required.
- The local population is mainly aged 50+ which could leave the young people isolated from society locally.
- The proposals would lead to a loss of character and loss of amenity more generally.
- The property borders six or seven other gardens and there will be a serious loss of privacy for some existing residents being overlooked by five vulnerable children with behavioural issues. Likewise, the children at the facility will be exposed.

Noise Implications

- The noise implications arising from the proposed use. The noise levels will increase significantly which will affect how neighbours use their gardens.
- Excessive noise and disturbance from staff arriving/leaving and too many visitors.

Lack of Information

- The application lacks detail on how the home will operate on a day to day basis, with no detail around shift patterns and how shift changeovers will be managed, or the number of professional visitors that will attend the home.
- The information is only accurate for the current children being cared for. New children in their care may have different requirements (additional vehicles depending on their individual needs).

Responses from Internal Technical Services

MBC Planning Policy – No objections

The principle of the proposed use is considered to be acceptable. Subject to the consideration that the development will not have a detrimental impact on residential amenity, and that it satisfies the provisions of all other relevant policies, it may be deemed that the proposal accords with the Development Plan.

MBC Commissioning and Procurement

There is a need for local residential accommodation to meet the increased need for our children/young people and there is a limited market.

MBC Environmental Health – No objections

MBC Highways – No objections

Proposals seek a change of use from a residential dwelling to a care facility. It is intended that up to 5 children aged up to 17 will live at the property and that they will be supported by 3 staff on site at anytime. When assessing the proposals against the current use of the property it is considered that changes in parking demand and traffic movements will be negligible and not significantly different to a large family living in a large property such as this.

The forecourt/drive area to the property caters for 6 cars plus an integral garage. Access is to remain unchanged using the existing drive entrances which enable vehicles to enter and leave in a forward gear.

The property is located in an area with day to day facilities within a short walk and easy access to a number of bus services which will further reduce the dependency on the private car for those living/working at the property.

Responses from External and Statutory Consultees

Cleveland Police – No objections

Cleveland Police encourages applicants to build/refurbish developments incorporating the guidelines of Crime Prevention Through Environmental Design (CPTED).

Cleveland Police operate the “Secured By Design” (SBD) initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments. It is recommended that the applicant/operator actively seek SBD accreditation at the earliest opportunity. If SBD Certification is not achievable, incorporation of some measures to reduce the opportunities for crime and anti-social behaviour are encouraged.

PLANNING CONSIDERATION AND ASSESSMENT

1. The application seeks planning consent for the change of use of the property from a residential dwellinghouse (C3 use) to a care facility (C2 use). The key issues to be considered as part of the proposed development are the principle of this use in this location, the likely impacts on residential amenity, the impacts on the character of the area, and the highways implications.

Policy Context

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), which was most recently revised and published in December 2023. The NPPF states that the general principle underlying the town planning system is that it is ‘plan led’. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. In determining planning applications, due weight should be given to local planning policies in accordance with their consistency with the revised Framework, with greater weight given the closer policies are to those in the Framework.

3. Put simply, this means that unless material considerations indicate otherwise, 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.

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

6. Section 8 of the NPPF '**Promoting healthy and safe communities**' expands on the strategic policies and explains the role of local authorities and outlines how they need to be achieved. The section advises that policies and decisions **should aim to achieve healthy, inclusive and safe places, as well as providing the social, recreational and cultural facilities and services the community needs**. Paragraph 96 states that authorities should **promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments and strong neighbourhood centres** amongst other things. The same paragraph also advises planning policies and decisions to aim for healthy, inclusive and safe places that are **safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion as well as to enable and support healthy lifestyles**. Paragraph 97 states that decisions should **plan positively for the provision and use of community facilities and other local services to enhance the sustainability of communities and residential environments and guard against the unnecessary loss of valued facilities and services**.

7. The relevant policies in the Local Development Plan regarding this application include H1 (Spatial Strategy), H11 (Housing Strategy) and CS17 (Transport Strategy) of the Local Plan, DC1 (General Development), CS4 (Sustainable Development), CS18 (Demand Management) and CS19 (Road Safety) of the Core Strategy (2008). In general terms, these policies seek to achieve high quality sustainable development that is situated in the right place and minimises the impact on neighbouring occupiers.

Principle of Development

8. The application site relates to an area of land in South Middlesbrough that is not allocated for a specific use in the Local Plan, being a residential property in a residential area, in a sustainable located close to shops, a school and bus stops. Whilst Local Plan Policies H1 and H11 are relevant to new housing development, they are aimed more at new housing estates rather than the change of use of individual properties, and in this case, the proposed use is also a residential use. The loss of a C3 use class, residential dwelling to a C2 use class, residential home for children would not unduly affect the available housing stock within Middlesbrough and the proposed use is considered to remain to be residential in function.

9. Children's homes are often positioned in different types of places, some within the dense urban area, some within the suburb areas and some within a countryside setting or similar. Fundamentally however, they provide a home for children and although staffed most of the day-to-day activities are the same as those associated with C3 housing, the main difference between the two being one is staffed. In this instance, the staff would be on a shift basis and so the coming and goings of staff would take place.

10. Notwithstanding the above and having taken note of concerns raised by residents that the site is not a suitable location (some matters considered in later paragraphs), children's homes are considered to be an acceptable use in principle within a residential area. As this proposal is a change of use and the property is not being altered and as such the proposed use would not result in either a low quality or high quality development, the latter being advocated by Policy H11.

11. Policy CS4 requires all development to contribute to achieving sustainable development principles, which includes ensuring everyone has access to the health and community facilities that they need in their daily lives, promotion of a healthier community, being located so that services and facilities are accessible on foot, bicycle, or by public transport, making the most efficient use of land with priority being given to development on previously developed land, in particular vacant sites, and ensuring that green infrastructure is protected. The site is 200 metres south of the Marton Road/Gypsy Lane Local Centre, which provides a number of shops serving the everyday needs of people. It is considered that the creation of a care facility within an existing building and an area that has accessible services and facilities meets the principles of CS4.

12. The proposed floor plans show 5 bedrooms at first floor level, 2 with ensuite bathrooms as well as a separate bathroom. At ground floor level, there is a manager's office, kitchen/diner area, snug, living room as well as a garage, porch and separate toilet. It is considered that the size of the house can reasonably cater for the number of children that would be accommodated at the property, with each child having their own bedroom space and there being 3 rooms downstairs for their use. The property also has a reasonably sized rear garden.

Potential Impacts of Associated Activities on Surrounding Areas

13. Policy DC1 requires all new development to consider the potential impacts of its operations on the amenity of the occupants of neighbouring properties and it is noted from the consultation and publicity responses that some local residents have concerns over a number of matters including additional noise levels and disturbance associated with the intended use within the residential area and due to the number of people associated with the use, with particular concerns raised over the proximity to surrounding residential properties and garden uses.

14. Whilst noted – although not likely to be the average – there are instances where properties house 5 children along with parents, and the majority of properties in Middlesbrough, as is the case in most areas, have front and rear gardens that abut the front and rear gardens of other properties. Furthermore, families with children who use their gardens intensively will be likely to be more obvious to neighbouring properties occupiers than those properties that do not. The same can be said of properties which are occupied by active or particularly social adults or similar. The reality is that the level to which the occupation of one property affects another will range significantly and is essentially down to the nature of the individuals residing there at any given time, rather than the residential use of the property being the specific trigger for noise and disturbance. Giving regard to these considerations, it is therefore considered that the key matters to consider with regard to the amenity associated with neighbouring properties is around the scale of the use and whether any perceived intensification/operations associated with the use would be reasonably in keeping or notably out of keeping with the character of the surroundings.

15. The supporting documentation states that this would be a staffed residential home for young people, which would provide accommodation for up to five children between the ages of 9 and 17. It is indicated in the supporting documentation that the children's home employs 12 staff overall although, at most times and under normal circumstances, there would only be three staff at the site.

16. There would be instances when the number of staff at the site would be greater. Firstly, during shift handovers (08:30 and 20:30) there would be a window of approximately 45 minutes where there would be five staff at the site. Secondly, it is understood that staff meetings would take place at the site once a month, which would involve all 12 staff

members. It has been put forward by the applicant that these meetings follow a night shift and last a relatively short period of time. Finally, there would be occasional visits from external and associated parties, such as social workers and the local community support officers. It is advised that these are infrequent with the supporting information stating that these occur once a month. The applicant states that no family visits currently take place nor are there visits from therapists or other specialists.

17. Whilst it is noted that the above trips may change depending on the care being provided, it is considered that for the most part the premises would operate in a matter not too dissimilar to a residential dwellinghouse. This would be evident with the children in care at the property attending school during the day and living together with appropriate adults outside of school time.

18. One of the main differences is considered to be the intensification of the usage of the property. It is acknowledged that there is likely to be more vehicular movements associated with the property compared to a conventional residential dwellinghouse. These vehicular movements are likely to be noticeable from neighbouring properties, especially with the gravel drive at the property, generating greater noise levels and disturbance, particularly at shift changeover times. It is considered against the comings and goings of a typical residential property would, in part, result in similar patterns of movement, where vehicle movements tend to be in the morning for going to work/school runs and returning from work/school runs, sometimes associated with night shifts and also associated with older children of car driving age potentially coming and going in the evening time.

19. In view of this, it is considered that throughout the day the general use of the property would be similar to a regular dwellinghouse of this scale. Moreover, being a detached building, the property enjoys spacing from the adjacent properties, which would assist in mitigating some disturbance caused by the anticipated site movements. It is also recognised that Dixons Bank lies to the front of the site, which is heavily trafficked, and means that the noise created by additional vehicular movements will be against the backdrop of vehicles using Dixons Bank.

20. It is noted that objectors have raised some concern in relation to the potential for anti-social behaviour associated with the children being looked after at the premises. However, this can only be an assumption of the impacts of individuals rather than any definitive impacts from the operations. As with any residents of any property, anti-social behaviour may or may not occur. The actions of an individual in this sense are not material planning considerations and cannot, therefore, reasonably be given weight in determining the application.

21. It is noted that objectors have referenced the existing accommodation site in Saltburn. Whilst the property curtilage is undoubtedly not as generous as the current accommodation at Rigwood, that on its own does not make the proposed site/use unacceptable. The property subject of this application is considered to be relatively large, having five bedrooms at first floor level and a moderate-sized garden. It is deemed to be of an acceptable size to accommodate the proposed facility as detailed earlier in this report.

22. The rear garden of the application property and those surrounding contain typical timber boundary fencing as well as mature landscaping. There is considered to be little direct overlooking between properties either side or to the rear; privacy levels would not be any different to those expected for a typical family home.

23. Officers from the Council's Environmental Health service have been consulted on the application and have no comments to make on the proposed arrangements.

24. It is recognised that the proposed use will result in a change to how the property is occupied and may result in a change to the level by which neighbouring properties are aware of any new occupants, as would be the case with any new occupiers of any dwelling. It is also the case that any new occupiers could result in anti-social behaviours, heightened noise levels or similar, but this is the case for any change in occupation in any residential property. There is no evidence provided which would clearly demonstrate this use would result in an unacceptable level of noise and disturbance to the amenity associated with adjacent properties. It is considered that the scale of the use, with (more commonly) 3 staff and 5 children at the property, would not be occupied to a level that would be likely to be too intensively used to be reasonable in this location. In view of the above, it is the view of Officers that although the proposed use will noticeably intensify the use of the residential property, the use is considered not to significantly affect the living conditions of neighbouring properties and is deemed to accord with the requirements set out in DC1.

Character and Appearance of the Area

25. Policies DC1 and CS5 along with the requirements within the Middlesbrough Urban Design SPD state that all new development should be a high quality in terms of layout and contribute to the character of the area.

26. It is noted that there are no proposed alterations to the external elevations of the property. As the proposed use would be utilising the existing property, it would still look and appear like a residential dwellinghouse.

27. In addition, the proposed children's home development is categorised in the Use Class Order as a residential institution and, therefore, would remain a residential use within a residential environment. This is considered to be wholly appropriate and there are deemed to be no adverse impacts on the character of appearance of the area.

28. The main change that is likely to be noticeable on the character of the area is the movement of vehicles and number of vehicles at the site, not necessarily during the course of the day but at shift changes specifically. Notwithstanding this, given the property is adjacent to Dixons Bank, which is a well trafficked main road into Middlesbrough, it is considered that any additional movements over and above what might be perceived with a typical family home of this scale would have a very limited change to the character of the area.

Highways Implications

29. Policies CS17, CS19 and DC1 require that development proposals do not have a detrimental impact upon the operation of the strategic transport network, road safety, and the capacity of the road network. Policies CS18 and CS19 encourage development proposals to incorporate measures that improve the choice of sustainable transport options available to people and schemes that promote their use.

30. A considerable number of objections have been raised in relation to the amount of parking spaces available at the site and near to the site, the movement of vehicles into and out of the property, and general highway safety.

31. The submitted drawings show that the pedestrian and vehicular access to the site would remain unchanged. The site has a large parking area to the front of the property, with the proposed site plan showing that spaces for seven vehicles can be accommodated.

Although there are reservations over the practicality of the vehicular space in the garage, the six spaces shown on the driveway are considered to be adequate for the expected levels of staff and usage as part of the proposed use.

32. The application site is located in close proximity to bus stops along Dixons Bank and Stokesley Road, which serve multiple services, as well as being a relatively short distance from Gypsy Lane railway station. Whether the staff or children use these is a matter of their choice/options but the relevance in planning terms is that these are available for use in close proximity to the property.

33. It is recognised that movement of vehicles at shift handover is likely to represent the most intense periods, although it is considered that staff at the site would be able to move their vehicles during their shift in good time so that the vehicles of staff for the next shift are able to pull up on site in a forward gear and leave in a forward gear. It is considered that this could be done without undue disturbance to the surrounding properties. Whether staff use the space in a way which minimises impact on neighbouring properties amenity becomes a matter of actions for those individuals. From a perspective of making a decision on this application, it is considered that sufficient driveway exists and ease of manoeuvring to prevent undue harm/awkward manoeuvring.

34. Comments have been received suggesting that the vehicles manoeuvring off the site would present a highways safety hazard, particularly when reversing off the drive onto this side road where there are no designated pavement or footpaths. Whilst it has been acknowledged that movements associated with the proposed development may at times be more intense than from a typical residential dwellinghouse, it is considered that the highway safety implications are no different from other properties along this stretch of Dixons Bank.

35. Comments have also been received that children in care would be a flight risk and could run off the site and into traffic. It is noted that this is a staffed children's home and all children in care would be looked after by appropriate adults. Furthermore, the property is situated off a side road before getting to Dixons Bank itself and this area is relatively open to viewing between motorists and pedestrians alike.

36. In view of the above matters, it is considered that the proposed children's home use would not result in any significant impacts on the local highway network in relation to safety or capacity.

Residual Matters

37. Objections have been received that the change (from Saltburn to Marton) may create an environment which is less conducive for the well-being and development of the children. The property is considered by some objectors to not cater specifically for the needs of the children, which could impact on their mental health, social integration and quality of life. The management and care provision will be the responsibility of the providers, but the proposed location is within an existing sustainable residential area which has access to local transport links and services which is considered appropriate for the integration of the occupants into the community.

38. Concerns have been raised in respect to issues with drugs and alcohol, however, as this is a children's home where someone has responsibility of care, any matters surrounding this are a matter for other legislation/control, specifically falling to the management of the home and, therefore, not something planning decision making could add weight to in decision making.

39. Concerns raised have indicated that there are no nearby parks or recreational activities for young people. It could be argued that there are many such provisions all within walking distance, but it is considered that the area remains a suitable area for children to live, particularly taking into account the scale of the property and its associated garden area. This matter would not give reasonable grounds to warrant refusal of the application.

40. Comments have been received regarding anti-social behaviour, personal safety of nearby residents and increase in crime. There is no evidence to clearly demonstrate this would be an outcome of the use and such matters could also be associated with the occupation of any residential dwelling and are not an absolute impact of the proposed use.

41. Objection has been raised against the application based on it being a commercial use. Whilst noted, the proposed use, although operating as a business, is a residential use and locating it within a residential area, rather than an industrial or commercial location is considered to be appropriate as a matter of principle.

42. Objection has also been raised that there are two pubs in the near vicinity. Whilst noted, this is not considered to add weight either for or against the proposal. The premises would be a managed home for children and it would be a management responsibility to deal with any matters around what the children engage in.

Conclusion

43. The proposal has been considered against national and local policy and it is concluded that the proposed use is deemed to be an acceptable use in this area. The loss of a single dwellinghouse is not considered to have a significant impact on the Council's Housing Delivery Strategy. The extent of the intended use as a children's home is considered not to result in any undue impacts on the character and appearance of the area. With no alterations to the external elevations of the property, there will be no significant adverse impacts on the character and appearance of the area or the amenity of the neighbouring properties and accords with the guidance in policies DC1 (c) and CS5 (c).

44. In view of the proposed use being considered and assessed based on the occupation by up to five children, it is considered important to limit the use of the premise to that of a children's home and for no more than five children to reside there at any one time. This will prevent a different nature and scale of children's home occurring without due consideration of the planning merits of any such change.

45. On balance, the proposed change of use is considered to be acceptable for the site and is in keeping with the relevant policies. It is the Officer's view that the proposal will not have a detrimental impact on the amenity of the occupiers of the surrounding properties and visual amenity of the street scene.

46. It is the Officer's recommendation to approve subject to conditions.

RECOMMENDATIONS AND CONDITIONS

Approve with Conditions

1. Time Limit

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

Reason: 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 (received 7th May 2024)
- b) Proposed Floor Plans (Drawing No. 02)

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

3. Restriction on Use

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

Reason: To adequately control the use of the site having regard to the nature of the site and the particular circumstances of the application to protect the amenity of the area and in the interests of residents amenity having regard for policies CS4, CS5, DC1 and section 12 of the NPPF.

4. Number of Children in Care

The use hereby approved shall be limited to provide children's accommodation for up to five children and no more at any one time.

Reason: In order to ensure the facility is limited to provide children's care accommodation for a use which is relative to the considerations taken and ensure the facility is of a scale which is appropriate for its location.

REASON FOR APPROVAL

The proposed change of use from residential dwellinghouse to residential care facility is considered to be appropriate as it is in full accordance with national and local planning policies, statements and guidance.

In particular, the proposed children's home use is in accordance with the National Planning Policy Framework and its policies regarding the provision of community development, achieving healthy, inclusive and safe places, providing social facilities and services for the community, sustainable development, the efficient use of land, and transport and accessibility, whilst proposing a development that would not be out of character within the surrounding area, and would not be detrimental to the local and residential amenities of the area.

Issues of principle regarding the use of this site and the generation of traffic have been

considered fully and are not considered, on balance, to give rise to any inappropriate or undue affects. Accordingly, the Local Planning Authority considers that there are no material planning considerations that would override the general assumption that development be approved unless other material factors determine otherwise.

INFORMATIVES

Informatives

Cleveland Police operate the *Secured By Design* initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments.

The applicant is recommended to actively seek *Secured By Design* accreditation, full information is available within the SBD Homes 2024 Guide at www.securedbydesign.com

Case Officer: Peter Wilson

Committee Date: 11-Jul-2024

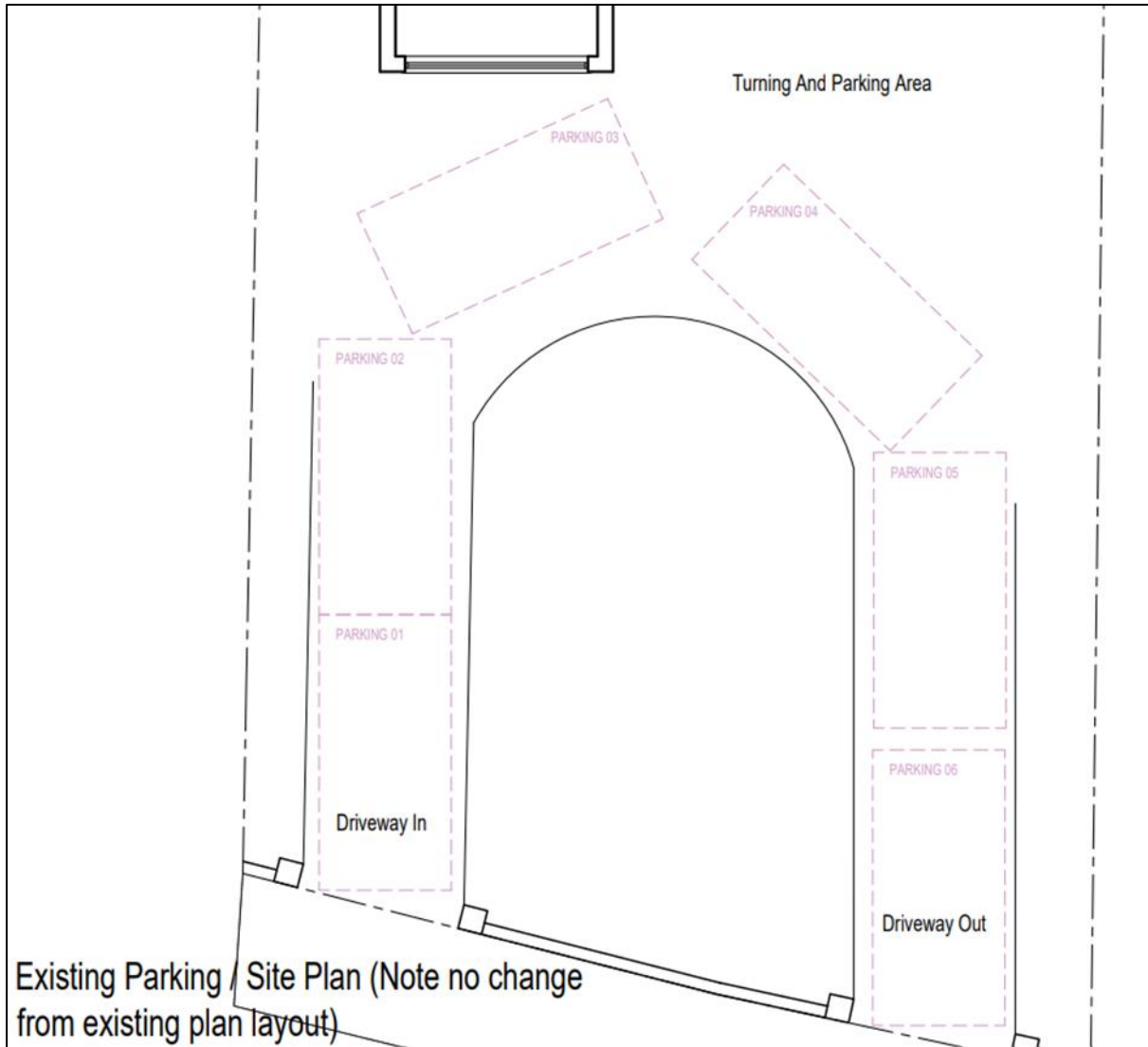
Appendix 1:

Location Plan



Appendix 2:

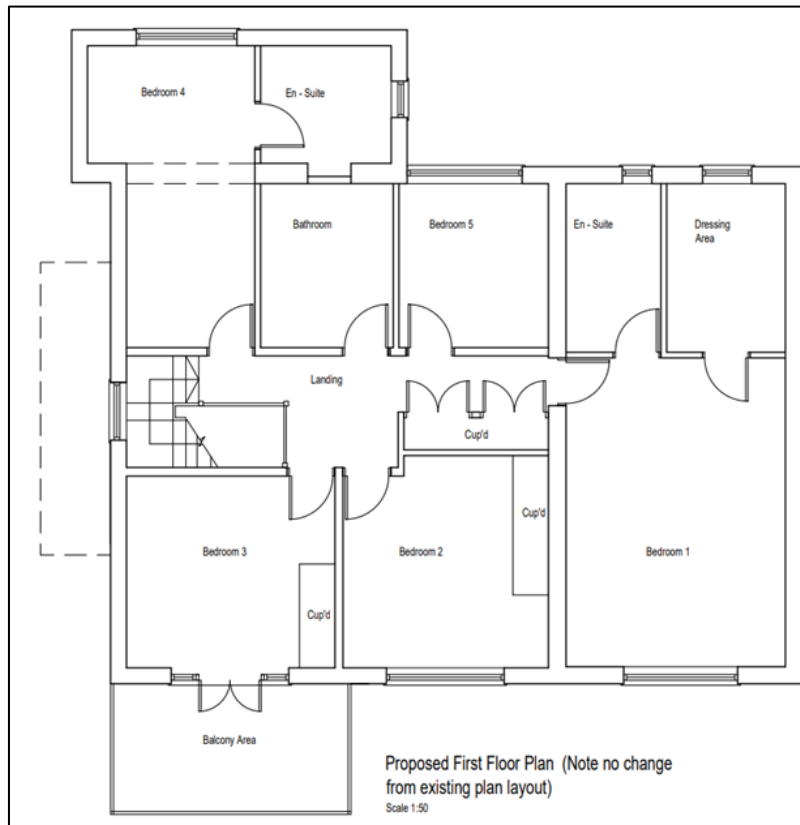
Car Parking Layout



Appendix 3:

Floor Plans





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Agenda Item 6

Planning Ref	Decision Date	Decision
21/0478/FUL Company / Surname Proposal Address	29-May-2024 Mr Faisal Khan Change of use of existing dwelling (C3) to form hotel/serviced apartments (C1) a 65, The Avenue, Middlesbrough, TS5 6QU	Refused
24/0102/FUL Company / Surname Proposal Address	29-May-2024 Janet Whiteway Demolition of scullery and construction of single storey extension at rear 10 Cornfield Road, Middlesbrough, TS5 5QL	Approve with Conditions
24/0100/FUL Company / Surname Proposal Address	30-May-2024 Mr Hadan JHA Retrospective single storey extension to rear 8, Ryehill Close, Middlesbrough, TS7 0LU	Approve with Conditions
23/5014/MAJ Company / Surname Proposal Address	31-May-2024 C J Leonard & Sons Construction of 9no. commercial units for B2/B8 purposes with associated works Former Coal Depot, Commercial Street	Approve with Conditions
24/0117/FUL Company / Surname Proposal Address	03-Jun-2024 Brian & Wendy Hodgson Proposed removal of 3 existing defective timber window frames to the front eleva 58, Thornfield Road, Middlesbrough, TS5 5DB	Refused
24/0119/DIS Company / Surname Proposal Address	03-Jun-2024 Wates Erection of four-storey building with associated soft and hard landscaping works 16, Southfield Road, Middlesbrough, TS1 3BX	Full Discharge Conditions
24/0139/FUL Company / Surname Proposal Address	04-Jun-2024 James Hall and Company Limited Installation of CCTV cameras Former Roseberry Filling Station, Acklam Road, Middlesbrough	Approve with Conditions
24/0175/PNH Company / Surname Proposal Address	04-Jun-2024 Ms Bethanie May Single storey extension to rear (length 5.77m, eaves height 2.65m, overall heigh 59, Bamboo Way, Middlesbrough, TS3 9AE	Prior Notification Not Required/No Obj
24/0069/FUL Company / Surname Proposal Address	05-Jun-2024 Mr & Mrs D Ward Erection of detached garage 34, The Grove, Middlesbrough, TS7 8AG	Approve with Conditions
24/0108/DIS Company / Surname Proposal Address	05-Jun-2024 Weatherhead Construction Ltd Single storey extension to Coulby Medical Practice COULBY MEDICAL PRACTICE, Cropton Way, Middlesbrough, TS8 0TL	Full Discharge Conditions
24/0133/FUL Company / Surname Proposal Address	05-Jun-2024 DIANA AYASH GARAGE CONVERSION TO SHOWER ROOM & TOILETS 12, Alderlea, MIDDLESBROUGH, TS7 8DL	Approve with Conditions
24/0095/FUL Company / Surname Proposal Address	07-Jun-2024 Waines Proposed Replacement Conservatory 5, Thornton Road, Middlesbrough, TS8 9BS	Approve with Conditions
24/0107/FUL Company / Surname Proposal Address	07-Jun-2024 Paul Hatfield The garage that is part of the existing property, to be turned into a utility ro 4, The Pastures, Middlesbrough, TS8 0UJ	Approve with Conditions
24/0073/FUL Company / Surname Proposal Address	10-Jun-2024 Mr Steve Smithson Erection of attached garage 27, Whinney Banks Road, Middlesbrough, TS5 4HF	Approve with Conditions
24/0150/FUL Company / Surname Proposal Address	10-Jun-2024 A.G. Parfett & Sons Ltd Erection of single storey storage facility. Parfett's Cash & Carry, Cargo Fleet Lane, Middlesbrough, TS3 8AL	Approve with Conditions

24/0143/FUL	10-Jun-2024	Approve with Conditions
Company / Surname	M Zaman	
Proposal	Erection of a detached single garage with dual pitched roof following demolition	
Address	14, Croft Avenue, Middlesbrough, TS5 8AX	
24/0145/RCON	11-Jun-2024	No Objections
Company / Surname	Redcar & Cleveland Council	
Proposal	Erection of temporary teaching buildings, hardstanding, parking, access and land	
Address	Land Off Burns Road, Middlesbrough	
23/0649/FUL	12-Jun-2024	Refused
Company / Surname	Rasib Hussain	
Proposal	proposed rear ground floor extensions	
Address	23, Devonshire Road, Middlesbrough, TS5 6DL	
23/0499/TPO	13-Jun-2024	TP Order Served
Company / Surname	DAVID & Elizabeth WALKER & Cannon-Walker	
Proposal	Sycamore Tree [T1] Recommendations It is recommended that T1 (Sycamore) is remov	
Address	31, Hemlington Road, Middlesbrough, TS8 9AG	
23/0637/FUL	13-Jun-2024	Refused
Company / Surname	Prime Properties MB LTD	
Proposal	Erection of two storey front bay extension	
Address	137, Southfield Road, Middlesbrough, TS1 3HB	
24/0148/FUL	13-Jun-2024	Approve with Conditions
Company / Surname	Mr & Mrs Stephen Hogg	
Proposal	Proposed Single Storey Extension to Rear and Side	
Address	37 Buttercup Grove, MIDDLESBROUGH, TS8 9FG	
24/0159/FUL	13-Jun-2024	Refused
Company / Surname	N Akram	
Proposal	Proposed two storey extension to side and rear including external staircase to c	
Address	278 - 280, Linthorpe Road, Middlesbrough, TS1 3QS	
24/0155/TPO	14-Jun-2024	No Objections
Company / Surname	Mrs Joan Watson	
Proposal	Tree Works	
Address	21 Bedford Road, Nunthorpe, Middlesbrough, TS7 0BY	
24/0174/FUL	18-Jun-2024	Approve with Conditions
Company / Surname	CUNNINGHAM	
Proposal	PROPOSED SINGLE STOREY EXTENSION TO SIDE/REAR	
Address	34, Reeth Road, Middlesbrough, TS5 5JH	
24/0115/RCON	19-Jun-2024	No Objections
Company / Surname	Redcar & Cleveland Council	
Proposal	Reserved Matters application for residential development (396 houses)	
Address	LAND AT LOW GRANGE FARM SOUTH BANK	
24/0170/FUL	19-Jun-2024	Approve with Conditions
Company / Surname	CHRISTIAN READ	
Proposal	First floor only extension at side and installation of bi-fold doors to rear	
Address	77, St Cuthbert Avenue, Middlesbrough, TS7 8RG	
24/0186/CLD	19-Jun-2024	Approve
Company / Surname	John Shade	
Proposal		
Address	9 Hampton Close	
24/0199/AMD	19-Jun-2024	Approve
Company / Surname	ELIZABETH HOUSE CARE HOME	
Proposal	Non Material Amendment to 18/0137/FUL to alter approved window arrangement	
Address	23 Elizabeth House, Elizabeth Terrace, Middlesbrough, TS3 6HE	
24/0065/FUL	20-Jun-2024	Approve with Conditions
Company / Surname	Mr Craig Holmes	
Proposal	Installation of 3no. linked units providing changing facilities and amenities wi	
Address	Pallister Park, Bowling Green, Middlesbrough	
24/0112/FUL	21-Jun-2024	Approve with Conditions
Company / Surname	Mr Andrew Dent	
Proposal	Two storey extension to side	
Address	18, Minsterley Drive, Middlesbrough, TS5 8QR	
24/0207/PNH	21-Jun-2024	Prior Notification Not Required/No Obj
Company / Surname	Ms Emma Close	
Proposal	Single storey extension at rear (depth 5.9m, eaves height 2.5m and overall height	

Address	116, Saltersgill Avenue, Middlesbrough, TS4 3JR	
24/0076/FUL	24-Jun-2024	Approve with Conditions
Company / Surname	George Williamson	
Proposal	Two storey side extension to property.	
Address	2, Dante Road, MIDDLESBROUGH, TS7 8RJ	
24/0111/FUL	24-Jun-2024	Approve with Conditions
Company / Surname	Mr John Broadfoot	
Proposal	Single storey extension to rear and side (Demolition of existing extension and g	
Address	9, Pennyman Way, Middlesbrough, TS8 9BL	
24/0161/FUL	24-Jun-2024	Approve with Conditions
Company / Surname	Brendan Gallagher	
Proposal	Single storey extension to side/rear	
Address	12 , Foxglove Close, Middlesbrough, TS4 3TT	
24/0191/FUL	24-Jun-2024	Approve with Conditions
Company / Surname	Premier Inn Hotels Ltd.	
Proposal	Installation of 2no condenser units	
Address	Premier Inn	
24/0085/FUL	25-Jun-2024	Refused
Company / Surname	Mr Haroon Hussain	
Proposal	First floor extension above existing garage	
Address	1 Marton Avenue, Middlesbrough, TS4 3SQ	
24/0205/FUL	25-Jun-2024	Approve with Conditions
Company / Surname	Middlesbrough Council	
Proposal	Installation of external plant with timber enclosure	
Address	Berwick Hills Primary School, Westerdale Road, Middlesbrough, TS3 7QH	
24/0090/COU	26-Jun-2024	Approve with Conditions
Company / Surname	Invested Education	
Proposal	Change of use from medical centre (E(e)) to provisions of education (F1(a))	
Address	FULCRUM MEDICAL CENTRE, Acklam Road, Middlesbrough, TS5 4EQ	
24/0134/COU	26-Jun-2024	Approve with Conditions
Company / Surname	Prince Regent Trust	
Proposal	Proposed change of use and external alterations to caretakers dwelling to form s	
Address	Former Caretakers House, 87 Kader Avenue, Acklam, Middlesbrough, TS5 8NH	
24/0187/TPO	27-Jun-2024	No Objections
Company / Surname	Countrywide	
Proposal	T121 Sycamore -60% of crown has died back; moderate deadwood extensive; adjacent	
Address	ROSEBERRY PARK HOSPITAL, Marton Road, MIDDLESBROUGH, TS4 3AF	
24/0078/DIS	28-Jun-2024	Full Discharge Conditions
Company / Surname	Wates	
Proposal	Erection of four-storey building with associated soft and hard landscaping works	
Address	16, Southfield Road, Middlesbrough, TS1 3BX	
24/0142/DIS	28-Jun-2024	Full Discharge Conditions
Company / Surname	Jennifer Duncan	
Proposal	Discharge of conditions Nos. 3, 8, 12, 14, 15, 17, 18, 20 and 22	
Address	Discovery Special Academy, Sandy Flatts Lane, Middlesbrough, Middlesbrough, TS5 7YN	
24/0158/ADV	28-Jun-2024	Refused
Company / Surname	Wildstone Group Limited	
Proposal	Conversion of 96-sheet billboard advertising display to 48-sheet D-Poster advert	
Address	Land at CB Construction, North Ormesby Road , adjacent A66 Flyover, Middlesbrough, TS4 2AG	
24/0165/FUL	28-Jun-2024	Approve with Conditions
Company / Surname	Alan Squires	
Proposal	The conversion of an integral double garage , insertion of 2 new windows and bi	
Address	95A, The Grove, Middlesbrough, TS7 8AN	
24/0168/FUL	28-Jun-2024	Approve with Conditions
Company / Surname	Grant	
Proposal	Renovation of existing wood sliding sash windows	
Address	35, Claude Avenue, Middlesbrough, TS5 5PT	
24/0171/DIS	28-Jun-2024	Full Discharge Conditions
Company / Surname	Jennifer Duncan	
Proposal	Erection of single storey Secondary School building (class F1) with associated w	
Address	Discovery Special Academy, Sandy Flatts Lane, Middlesbrough, Middlesbrough, TS5 7YN	
24/0176/FUL	28-Jun-2024	Approve with Conditions
Company / Surname	Geoffrey Morley	

Proposal
Address

Construction of new porch at front of house.
24 Adcott Road,

Total Decisions

47

Total Approvals

39

Total Refusals

7