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## APPLICATION DETAILS

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

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## SUMMARY

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

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

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

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

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

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

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

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

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

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

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## **PLANNING HISTORY**

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

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

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

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## **PLANNING POLICY**

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

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

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

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

#### National Planning Policy Framework

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

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

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

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

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

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

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## CONSULTATION AND PUBLICITY RESPONSES

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

### Resident's comments in support:

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

### Support Received From:

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

### Resident's comments in objection:

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

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

#### **Objections Received From:**

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

#### Planning Policy – MBC

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

#### Highways – MBC

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

#### Rights of Way – MBC

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

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

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

No objections are raised subject to necessary conditions.

#### Local Flood Authority - MBC

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

No objections are raised subject to necessary conditions.

#### Conservation - MBC

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

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

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

#### Waste Policy – MBC

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

#### Environmental Health – MBC

No objection subject to necessary condition relating to contaminated land.

#### Northern Powergrid

No response

#### Northern Gas

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

Should diversionary works be required these will be fully chargeable.

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

#### Northumbrian Water

No response

#### Natural England

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

#### Nunthorpe Parish Council

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

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

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

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

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

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

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

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

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

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

#### Councillor Mieka Smiles

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

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



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## PLANNING CONSIDERATION AND ASSESSMENT

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

### Principle of Development

3. Section 38 of the Planning and Compulsory Purchase Act requires that planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise.
4. The National Planning Policy Framework (NPPF) was most recently revised and published by the Government in September 2023, and is a material consideration. The NPPF states that, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para. 12). In determining planning applications, due weight should be given to local planning policies in accordance with their consistency with the revised Framework, with greater weight given the closer policies are to those in the Framework (para 219).
5. The majority of the site (approximately 72%) is located within the residential allocation, Land at Grey Towers Farm. A small part of the site (approximately 28%) is located beyond the Limit to Urban Development and within the Nunthorpe and Poole Conservation Area and Policies E20 and E22 apply here. The combination of Policies E20 and E22 protect the open countryside by limiting development beyond the 'Limits to Urban Development' to that which has an essential need for the functioning of agricultural or forestry operations and which is required for occupation by workers engaged in those activities. The proposal is for general market housing, which is contrary to Policies E20 and E22.
6. The aim of Policies E20 and E22 is to protect the open countryside from inappropriate development. Officers note that Policies E20 and E22 date back to the 1999 Local Plan and that the site circumstances have changed significantly since then in that the site has modern suburban style housing developments to its north, south and west, and the Grey Tower's Farmstead to the east. The majority of the application site is allocated for housing in the 2014 local plan and through the construction of housing to three sides (through local plan allocations), the application site can no longer be considered as being within open countryside. Development of this small area would therefore not notably harm the open countryside and would therefore not affect the principle function of Local Plan Policy E20.
7. Local Plan Policy H1 identifies strategic locations for residential development, including 'land at Nunthorpe'. The majority of the application site (which includes housing, private gardens and peripheral landscaping) is within this strategic allocation with only a small part outside the allocation.
8. Policy H1 requires that outside of these strategic locations development will need to be situated in the urban area, satisfy the requirements for sustainable development

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

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

### Highways

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

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

### Flood Risk

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

#### Conservation

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

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

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

#### Scale, Design/Appearance and Streetscene

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

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

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

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

#### Amenity

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

#### Ecology/Landscaping

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

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

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

#### Renewable Energy

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

#### Nutrient Neutrality

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



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

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

#### Other Matters

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

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

### Conclusion

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

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## **RECOMMENDATIONS AND CONDITIONS**

### **Approve with conditions**

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

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

## 2. Approved Plans

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

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

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

## 3. Materials - Samples

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

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

## 4. Details of Roads, Footpaths and Open Spaces Required

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

shall be carried out in accordance with the approved details.

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

5. Car Parking

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

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

6. Method of Works Statement

The development hereby approved shall not be commenced until a detailed method of works statement has been submitted to and approved in writing by the Local Planning Authority. Such statement shall include at least the following details;

- a) Routing of construction traffic, including signage where appropriate;
- b) Arrangements for site compound and contractor parking;
- c) Measures to prevent the egress of mud and other detritus onto the public highway;
- d) A jointly undertaken dilapidation survey of the adjacent highway;
- e) Program of works; and,
- f) Details of any road/footpath closures as may be required.

The development must be carried out in accordance with the approved details.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users having regard for policy DC1 of the Local Plan.

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

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

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

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

8. Surface Water Drainage Scheme

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

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

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

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

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

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

#### 9. Surface Water Drainage Management Plan

Prior to the commencement of the development on site, details of a Surface Water Drainage Management Plan must be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include:

- (i) A build program and timetable for the provision of the critical surface water drainage infrastructure.
- (ii) Details of any control structure(s) and surface water storage structures
- (iii) Details of how surface water runoff from the site will be managed during the construction Phase
- (iv) Measures to control silt levels entering the system and out falling into any watercourse or public sewer during construction.

The development shall, in all respects, be carried out in accordance with the approved Management Plan.

Reason: To ensure the development is supported by an appropriately designed surface water disposal infrastructure scheme and to minimise the risk of increased flooding and contamination of the system during the construction process having regard for policies DC1 and CS4 of the Local Plan and section 14 of the NPPF.

#### 10. Surface Water Drainage Management and Maintenance Plan

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

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

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

#### 11. Contaminated Land Validation Report

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

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

#### 12. Landscape Scheme

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

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

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

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

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

#### 13. Landscape Management Plan

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

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

#### 14. Replacement Tree Planting

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

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

#### 15. Hedges and Hedgerows

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

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

#### 16. Ecology

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

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

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

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

17. PD Rights Removed Means of Enclosure

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

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

18. PD Rights Removed Alterations to Means of Enclosure

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no fences, gates, walls or other means of enclosure hereby approved shall be removed or materially altered in external appearance in any way without planning permission being obtained from the Local Planning Authority.

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

19. PD Rights Removed Windows/Doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no windows including dormer windows and roof lights, doors or other openings shall be constructed on any property (other than those expressly authorised by this permission) without planning permission being obtained from the Local Planning Authority.

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



20. PD Rights Removed Extensions/Alterations and Outbuildings

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

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

21. PD Rights Removed Conversion of Garages

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order), no garages shall be converted to habitable rooms without planning permission being obtained from the Local Planning Authority.

Reason: To retain adequate in curtilage parking provision in the interests of amenity and highway safety having regard for policies CS4, CS5, DC1 and sections 9 and 12 of the NPPF.

22. PD Rights Removed Hardstanding

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order), no hardstanding shall be constructed at the front of the residential dwellings hereby permitted, without planning permission being obtained from the Local Planning Authority.

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

23. PD Rights Removed Access

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

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

24. Water Consumption

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

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

Regulation 63 of the Habitats Regulations.

25. Nutrient Mitigation Scheme – Credits or Suitable Alternative

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

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

### **Reason for Approval**

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

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

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

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

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### **INFORMATIVES**

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

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

- Protected Species

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

- Construction Noise

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

- Sustainable Drainage Systems

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

- Permeable Surfacing

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

- Discharge of Condition Fee

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

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

- Civil Ownership Matters

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

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

- Rights of Access/Encroachment

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

- Building Regulations

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

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

- Statutory Undertakers

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

- Contact Northern Gas

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

- Name and Numbering

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

- Deliveries to Site

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

- **Cleaning of Highway**  
The applicant is reminded that it is the responsibility of anybody carrying out building work to ensure that mud, debris or other deleterious material is not deposited from the site onto the highway and, if it is, it shall be cleared by that person. In the case of mud being deposited on the highway wheel washing facilities should be installed at the exit of the development.
- **Design Guide and Specification**  
The development will be designed and constructed in accordance with the current edition of the Councils Design Guide and Specification.
- **Highway Authority Discussion**  
It is essential that early discussion take place with the Highway Authority (tel: 01642 728156) to discuss the effect on the surrounding highway network during the construction of this development.

Case Officer: Shelly Pearman

Committee Date: