
APPLICATION DETAILS

Application No:	20/0199/FUL
Location:	Land At Ford Close Riding Centre Brass Castle Lane Middlesbrough TS8 9EE
Proposal:	Demolition of existing buildings and the erection of 69 dwellings (including 19no. bungalows) with open space and infrastructure
Applicant: Company Name:	Stonebridge Homes and Susan Jamieson Ritchie Stonebridge Homes and Susan Jamieson Ritchie
Agent: Company Name:	Miss Lucie Jowett Barton Willmore
Ward:	Marton West
Recommendation:	Approve subject to 106 Agreement

SUMMARY

Permission is sought for the demolition of some existing buildings on the site and the erection of 69 dwellings, including 19 bungalows, with associated access, landscaping and infrastructure on land at the Ford Close Riding Centre to the east of Brass Castle Lane.

Following a consultation exercise objections were received from residents from 25 properties, Community Councils, Nunthorpe Parish Council and Ward Councillors.

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

The development meets the requirements of the relevant national planning policies detailed within the NPPF and Local Plan policies, specifically H1, H10, H11, H12, H30, H31, CS4, CS5, DC1 and MW4. 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 east of Brass Castle Lane, south east of the junction with Fulford Way. It comprises 5.5ha of open fields and mature woodland. Part of the site has an existing dwelling and buildings relating to the riding school located along the northeast boundary of the site. A telecommunications mast is located in the southeast corner of the site.

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

Permission is sought for the demolition of some of the existing buildings on the site and the erection of 69 dwellings on the Ford Close Riding site. The dwellings proposed consist of:

- a) 11no. two bed bungalows;
- b) 8no. three bed bungalows;
- c) 40no. four bed two-storey houses; and,
- d) 10no. five bed two-storey houses.

All the properties are detached except for the two bed bungalows that comprise 4 pairs of semi-detached dwellings and three in a terrace row.

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

Documents submitted in support of the application include:

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

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).

National Planning Policy Framework

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

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

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

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

H1 - Spatial Strategy
 H10 - Nunthorpe
 H11 - Housing Strategy
 H12 - Affordable Housing
 H30 - Land at Ford Close Riding Centre
 H31 - Housing Allocations
 CS4 - Sustainable Development

CS5 - Design
CS17 - Transport Strategy
CS18 - Demand Management
CS19 - Road Safety
CS20 - Green Infrastructure
DC1 - General Development
MW2 - Housing Allocations
MW4 - Land at Ford Riding School
UDSPD - Urban Design SPD
HGHDC - Highway Design Guide

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 around the site. Following receipt of revised plans which included bungalows within the developed further consultation exercises were carried out. The comments below are in response to the original and revised plans.

Objections have been received from residents from 25 properties, these are summarised below.

- a) In conflict with NPPF;
- b) No need for more housing in the area, executive housing not required, other sites looking for smaller houses;
- c) Exceeds local plan allocation is for 50 dwellings;
- d) With bungalows included with larger footprints the number of dwellings should be reduced to 45;
- e) Housing is already meeting and will exceed the 5 year supply;
- f) High density;
- g) Overdevelopment;
- h) Marton West Neighbourhood plan requires predominance of bungalows but none are provided;
- i) If approved it will demonstrate the Council's contempt for the Neighbourhood plan, that they are a sham and are to be ignored at will by Councils and developers alike;
- j) Approval will defeat the object of the Council's own strategic policies to promote the social, environmental and economic wellbeing of the area;
- k) Additional housing has been agreed in the area but no changes have been made to the local infrastructure;
- l) Inadequate highway network/infrastructure;
- m) Opportunity to incorporate the junction of Brass Castle Lane with the traffic light controlled junction on Dixons Bank, the development will make this junction worse;
- n) Inadequate access;
- o) Access road is a country lane which is not adequate for this level of development with a dangerous slope and blind corner further down the road;
- p) Traffic calming required;
- q) Increase in traffic and congestion;
- r) Danger to pedestrians/school children;
- s) Construction traffic will cause issues accessing the site;
- t) Noise from the construction;
- u) Increase in noise;
- v) Loss of view;

- w) Sustainable transport hasn't been considered, it should be a key part of the development;
- x) No footpaths along Brass Castle Lane;
- y) Will impact physical and mental well-being of residents due to increased class sizes and time in traffic not with friends and families;
- z) Inadequate infrastructure i.e. doctors, schools, community centre;
- aa) Need to upgrade the Marton BT Exchange Cabinet 5 for superfast broadband;
- bb) New houses will result in reduced quality for existing broadband users;
- cc) Loss of green/open space;
- dd) Lack of usable green space;
- ee) Loss of trees;
- ff) Impact on wildlife/ecology;
- gg) Hedge running through the site should be retained, it is a wildlife corridor between the woods;
- hh) Loss of privacy;
- ii) Loss of light;
- jj) Overshadowing of neighbouring properties;
- kk) Poor layout;
- ll) Poor design of houses;
- mm) Harm character of the area;
- nn) Flooding Issues;
- oo) Permission has been refused for housing at the golf club;
- pp) No amenity improvements promised as a benefit from the recent developments has been delivered, they need to be in place before any more development;
- qq) Grey towers site increased numbers without full consultation;
- rr) Houses aren't selling on other sites;
- ss) Potential archaeology and its loss should be considered;
- tt) Inadequate public consultation has been carried out by the developer;
- uu) If approved developer will try to squeeze more smaller houses on the site increasing the numbers;
- vv) S106 money should be used for upgrading broad band and traffic calming on Brass castle lane and surrounding rat runs.
- ww) Changes made in revised scheme to add bungalows is tokenistic, 19 bungalows is not a predominance;
- xx) Revised access and speed limit welcomed but may still be insufficient to prevent accidents occurring; and,
- yy) Site is not in Nunthorpe, it is in Marton and should be advertised as such.

Resident comments received from:

- 1) 8a Astbury
- 2) 12 Bonny Grove
- 3) 24 Bonny Grove
- 4) 5 Brass Castle Lane
- 5) 30 Chandlers Ridge
- 6) 14 Church Close
- 7) 26a Connaught Road
- 8) 7 De Brus Park
- 9) 6 Eagle Park
- 10) 110 Eagle Park
- 11) 290 Eagle Park
- 12) 22 Fairy Dell
- 13) 5 Glenn Crescent
- 14) 18 Grey Towers Drive
- 15) 7 Grey Towers Stables
- 16) 98 Gunnergate Lane
- 17) 34 Hawkstone
- 18) 4 Leckfell Close

- 19) 10 Montrose Close
- 20) 7 Muirfield
- 21) 1 The Resolution
- 22) Sunnycross House, Brass Castle Lane
- 23) 6 Thimbleby Close
- 24) 1 Watchgate
- 25) Woodland, West Moor

Planning Policy - MBC

The proposed development exceeds the number of properties for the Ford Close Riding site as detailed within the Housing Local Plan policy H30. However, policy H1 allows for additional dwellings if the design and quality of the development is not compromised.

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

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

Highways - MBC

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

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

No objections are raised subject to relevant conditions.

Waste Policy - MBC

The shared drives all have collection points on the public highway next to the shared drives as Waste Services are unable to travel over the shared drives.

Environmental Health - MBC

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

Public Rights of Way - MBC

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

Local Flood Authority - MBC

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

Archaeology

No objections subject to a condition for a written scheme of investigation (WSI) for an archaeological watching brief.

Secured by Design - Cleveland Police

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

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

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

Northumbrian Water

No objection subject to a condition relating to foul flows.

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.

Tees Valley Local Access Forum

Members of the forum would like to see construction of proper walking and cycle routes to enable residents to travel beyond their immediate area sustainably.

Councillor Chris Hobson

The development does not comply in any way shape or form with the Neighbourhood Plan which says a predominance of bungalows. Too many houses.

Councillor Mieka Smiles

- The development doesn't adhere to the Marton West Neighbourhood Plan.
- The development puts undue pressure on an already stretched infrastructure - including Nunthorpe community facilities (or lack thereof), education provision, roads - explicitly the Marton Crawl.
- The nearby Dixons Bank junction is of particular concern and a poor access is proposed.
- We as a community have had a number of un-kept promises tied into development of nearby land - a community centre, woodland walks, restaurant and pub.
- Our residents need a fit for purpose GP surgery.
- Any development here will mean further erosion of our green space and potential loss of habitats.

Councillor Jon Rathmell

I object to this development as it is not in keeping with MBC's Local Plan which suggested a maximum of 50 high quality, high value executive residential development - whereas this application contains 69 dwellings.

The initial Marton West Neighbourhood Plan (November 2016) suggested 40% bungalows, but this application contains 11.6%. This figure is for a total of 8 bungalows - 6 detached and 2 semi-detached 3-bedroomed bungalows.

This development will cause infrastructure issues and safety concerns due to it opening on to Brass Castle Lane. This will increase the difficulties caused by the Brass Castle Lane / Dixons Bank junction plus more vehicles to join both the 'Marton Crawl' and Brass Castle Lane traffic. A junction which is under consideration of highways for remodelling due to the

safety concerns raised by myself, Nunthorpe Parish Council and Nunthorpe Community Council.

This development will also see a further loss of green space and natural wildlife habitats including hedgehogs which are currently at risk in the U.K.

Nunthorpe Community Council

- Lack of infrastructure (transport, including cycling, sufficient school places, GP surgery, and no community centre in Nunthorpe which is 200 metres from this development). Emphasis must be made of the unfulfilled promises going back 9 years and more) of adjacent previous developers/MBC of improved infrastructure from the outset.
- Lack of demand for further houses of this type
- Very poor access to the proposed - very dangerous exit with ever more traffic on Brass Castle Lane
- Poor design of houses and estate layout, with high density
- Loss of established trees and green space
- Potential loss of archaeological remains and habitat

Marton West Community Council

- The number of proposed dwellings is still far above those in the current Local Plan
- The number of bungalows is not considered to be adequate. We do not accept the reasoning behind the number proposed with regard to the Marton West Neighbourhood Plan specifications
- The general infrastructure is not adequate for this number of dwellings, or even those in the Local Plan
- Brass Castle Lane is not an appropriate road for the numbers of cars which will have access and egress to it
- The junction of Brass Castle Lane and Dixons Bank is already a problem
- Local residents to this site are concerned that their broadband connections are already inadequate. Continuing Covid restrictions re-emphasize this as a problem for those working from home.

Nunthorpe Parish Council

- Developer did not consult NPC about the proposal
- apparent lack of awareness of current negotiations between Middlesbrough Council and Nunthorpe Parish Council about road safety concerns which directly relate to the connection between Brass Castle Lane and Dixons Bank. Works to prepare a preliminary design and estimate for this junction is ongoing with the Council. Permission should not be given until a commitment has been made to improve this dangerous junction.
- submission relies on the 2014 Local plan which is outdated and does not reflect the changing moratorium on house building in this area which was promised by the Mayor.
- Focus on executive housing is anachronistic and more are proposed than the outdated framework states.
- Consultation on the framework for development of the area is ongoing where a consensus is emerging that bungalows and accessible homes should be accorded highest priority.
- Serious infrastructure issues already existing in the area i.e. Marton Crawl, lack of medical, educational and community facilities.
- Location of access on Brass Castle Lane and increased traffic on the lane poses additional safety hazards due to limited footpath provision.
- Impact of housing on the provision of broadband in the area.

- Persimmon application was rejected due to density and infrastructure. This revised application is similar in that it does not conform with 2014 adopted Local Plan or the Marton West Neighbourhood Plan.
- Policy H30 states high quality, high value executive development for a maximum of 50 dwellings. The application is for 69 dwellings.
- Marton West Neighbourhood Plan requires element of bungalows with an aspiration for up to 40% subject to overall deliverability. There are only 8 bungalows.
- Potential loss of mature trees and hedges.
- Mitigation for wildlife corridors.

Public Responses

Number of original neighbour consultations	51
Total numbers of comments received	36
Total number of objections	35 (figure includes multiple comments from same household)
Total number of support	0
Total number of representations	1

Site notice posted –
19th May 2020

PLANNING CONSIDERATION AND ASSESSMENT

1. During the application process the developer has worked with the planning officers to make any changes considered necessary to improve the quality of the proposed scheme. Revised details were submitted introducing bungalows to the development (initially 8 then increased to 19) and making changes to the layout. The revised details are the subject of this report.
2. Comments received which are not material planning considerations will not form part of this assessment, they include but are not limited to; consultation processes for other development sites, assumptions the developer will seek additional houses once approved, noise during the construction, loss of views and development should be on brownfield sites.
3. Comments have also been received in relation to ongoing consultations regarding overall development in the area. Currently there are no adopted or emerging planning policy or guidance as a result of these consultations and therefore they bear no weight in the decision making process for this application.

Principle of Development

4. The principle of housing on this site has been approved through the allocation of the site in the adopted 2014 Housing Local Plan under policy H30. Policy H30 states proposals are expected to provide a maximum of 50 high quality, high value executive dwellings, which reflect the housing types within the surrounding area. The proposed development seeks consent for 69 dwellings, by providing a mix of house types predominately detached dwellings with some semi-detached and three terrace properties ranging from 2 to 5 bedrooms and including 50 two-storey dwellings and 19 bungalows.
5. A number of comments have been received in relation to the number of properties proposed not being in keeping with policy H30 as it exceeds 50. Whilst policy H30 states a "maximum of 50 dwellings" policy H1 (Spatial Strategy) states "proposals for

fewer than the minimum or more than the maximum dwelling requirements for a site will only be considered where it can be clearly 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." As a result the number of dwellings proposed in itself is not a planning reason to refuse the application as more than 50 dwellings can be acceptable in planning terms subject to full consideration of the design and quality of the development and site specific policy requirements.

6. Some objections state that executive houses are not required and smaller properties are needed in the town other comments highlight the need for bungalows in this area of the town referring to the Marton West Neighbourhood Plan requirements for bungalows on the site.
7. The application site is within the boundaries of the 2016 adopted Marton West Neighbourhood Plan. Policy MW2 supports the sustainable growth of Marton West in accordance with the Local Plan. Policy MW4 supports development proposals at the Ford Close Riding School site which provide for a high quality residential development, and where an element of the dwellings provided are bungalows.
8. Whilst a number of resident comments refer to the need for a predominance of bungalows on the site this is not stated within the Marton West Neighbourhood plan. The neighbourhood plan states at paragraph 35: "Marton West residents recognise the need for more housing but would suggest that this site has at least 40% of the development built as bungalows as a way of partly meeting the shortfall of this type of housing in south Middlesbrough outlined in the 2012 Strategic Housing Market Assessment. It is acknowledged that the figure of 40% is an aspiration and that the proportion of bungalows on the site will be a matter to be considered in the context of the overall deliverability of the development."
9. In response to objections and officer comments reiterating the requirements of policy MW4 revised plans were submitted proposing 19 bungalows including both three and two bed bungalows within the site. This represents nearly 28% of the proposed dwellings. Whilst this is not the aspirational 40% referred to in the MWNP it represents a significant increase in the numbers originally proposed and steps towards meeting the aspirational target. When considering this in relation to the context of the overall deliverability of the development the number of bungalows is considered to be acceptable and in accordance with policy MW4 and will provide sought after bungalows in the south of the town.
10. Policy H12 requires 15% of dwellings to be affordable provided as 5% on site and a 10% off-site contribution. Policy H12 allows variations in the proportion of on/off-site provision where it can be demonstrated that this would better contribute to the creation of mixed and balanced communities through the diversification of housing tenure. Policy H30 states 15% on site affordable housing or off site provision is required. The proposed development includes 19 bungalows on site, 8no. detached three bed bungalows and 11no. semi-detached and terrace two bed bungalows. The 11no. two bed bungalows will provide the required 15% affordable housing on the site. This meets the requirements of both policy H12 and H30.
11. The affordable bungalows are dotted around the site rather than being located in one area. The quality of the development has not been compromised with the introduction of smaller units, but rather complements and enhances overall design quality in terms of placemaking. The bungalows are designed to reflect the larger dwellings in terms of design and do not compromise on the overall quality of the scheme. They will provide highly sought after properties in Marton West providing a

mixed and balanced community and diversification of housing tenure in line with policy H12.

12. Whilst it is noted that the Local Plan is under review and discussions are taking place regarding developments within Nunthorpe and Marton West. The adopted Local Plan is the current legal starting point. An application cannot be refused on the basis of an emerging local plan which has not currently reached the publication stage.

Highways

13. Development proposals have been assessed using the authority's strategic (Aimsun) highway model, which includes committed development and committed highway schemes. The model assessed the impact of the proposed access arrangements and the traffic generated by 69 dwellings.
14. Trip rates used in assessing the impact of the proposed scheme are consistent with other recently approved schemes and based on survey data of similar sites. Using these trip rates the proposed development is anticipated to generate in the region of 54 two-way movements during the peak periods. This level of traffic generation represents a little under 1 vehicle movement per minute.
15. The model distributes the traffic over the network using a variety of data so whilst this level of traffic may be seen at the Brass Castle Lane junction, the number of vehicle movements and any potential impact will further diminish as development traffic becomes a smaller proportion of traffic flows as you move away from the site.
16. Over the model area development traffic has been demonstrated to not lead to a material impact. In the interests of robustness and to assess localised impact at junctions further detailed work was undertaken to understand the potential impact of development traffic in terms of junction capacity, queue lengths and vehicle speeds.
17. When these junctions were assessed in detail the modelling demonstrates that the traffic associated with the proposed development would not materially impact on the operation of any of the junctions assessed, with only small variations in the level of queueing and delay predicted to occur.
18. The small variations identified are of a level that would be expected to be seen within the daily fluctuations that are seen in traffic flows that arise from a multitude of factors including weather, day, time of year, road works etc.
19. Overall the model output report demonstrates that the proposed development will not have a material impact on the operation of the surrounding highway network nor can be classed as severe, which is the benchmark set out in the NPPF against which proposals are assessed.
20. Access to the proposed site is to be taken from Brass Castle Lane via a new junction. The sightlines at the junction and geometry of the junction is suitable to serve the development proposed.
21. As part of the development proposals a number of changes/works are proposed to the local highway environment which are briefly set out below;
 - The 30mph/60 mph speed limit boundary on Brass Castle Lane will be relocated circa 45m South. This will result in the 30mph scheme and the street lighting being extended to a point South of the proposed site access.
 - A new gateway feature at the change in speed limit will be introduced, consisting of signage, lining and a welcome sign to reinforce the change in speed limit and to influence driver behaviour.

- A new footway will be provided to the sites Northern boundary on Brass Castle Lane to connect into internal footpaths which in turn connect into adjacent routes and the Grey Towers Farm development.
 - Tactile paving and crossing points across the junction with Brass Castle Lane and Brass Castle Lane itself which will enable pedestrians/cyclists to access the existing footway/cycleway on the northern side of Fulford Way/ Brass Castle Lane.
 - In order to achieve the improved pedestrian facilities one access into the Gas Governor is to be reinstated to full height kerb and landscaped to prevent vehicular access with access retained from the Western boundary.
 - Improvements will be made to the Eastbound and Westbound bus stops serving the site consisting of hardstanding, easy access kerbs, flag, shelters and realtime display.
22. In addition to the above physical works being delivered a financial contribution towards strategic highways infrastructure is to be made and secured through a S106 Agreement.
23. The internal layout has been designed to adoptable standards and will be constructed and offered for adoption through agreement under the Highways Act 1980. Internal roads have a hierarchy and are laid out to restrain vehicle speeds to a maximum of 20 mph. 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.
24. The site development includes the provision of public rights of way to be provided through the woodland to the southwest and in the northeast of the site which will connect to the woodland and PROWs to be provided in the adjacent Grey Towers site.
25. The site is located immediately adjacent to existing housing estates in a sustainable location with the potential for travel by non-car modes maximised. Works proposed as part of the development will provide further facilities and ensure that the development integrates into the wider pedestrian/cycle network.
26. The development is considered to meet the requirements of relevant policies including DC1, CS4, CS17 and CS19.
27. A number of comments received relate to the Brass Castle Lane/Dixons Bank junction. The authority is developing proposals to include the Brass Castle Lane arm within the existing signalised junction of Guisborough Road/Dixons Bank, which will create a four arm signal controlled junction.
28. This design will be likely to include pedestrian facilities on all arms to assist and promote sustainable travel. At this stage capital funding is available to undertake detailed design work, which is currently underway.
29. Should the Ford Close scheme be granted planning consent then it is likely that some of the Strategic Highways Contribution being secured through the S106 Agreement would be used to accelerate the delivery of this highways scheme.

Flood Risk

30. 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.

31. The proposed sustainable drainage scheme is incorporated into the landscape to provide a high quality green environment which features including a detention basin, and will mitigate against flooding at the site.
32. Surface water from the development will feed into Marton West Beck which is currently the subject of a scheme of improvement works. It is considered necessary to seek a s106 contribution towards these works to the beck.
33. The Local Flood Authority and Northumbrian Water have considered the submitted flood risk assessment and drainage details and have no objections subject to relevant conditions. The development is considered to be in accordance with the requirements of Policies DC1 and CS4.

Environmental Health

34. Environmental Health have considered the application in relation to noise from the highway, air quality and site contamination. The site is not situated within or close to an air quality management area. The Transport assessment demonstrates that the two-way vehicle trips generated by the development is not expected or anticipated to significantly increase air pollution emissions.
35. Environmental Health have confirmed that they have no objections to the development subject to a condition to ensure the development is carried out in accordance with the noise assessment and site investigations.

Amenity

36. Only one existing dwelling is immediately affect by the application, all other dwellings are separated by woodland, hedgerows and roads. The separation distances with existing residential dwelling and those to be constructed at the adjacent Grey Towers site meet or exceed the 21m (front to front) 14m (front to side) advised in the Urban Design SPD. As a result the proposed development will not have a detrimental impact on the privacy of existing residents or approved dwellings and will not have any impact on light or result in overshadowing.
37. Internally within the development there are areas where the separation distances fall short of the 21m/14m guidance. During the application process the layout has sought to maximise the separation distances where possible through the orientation of dwellings within their plots and the housetypes proposed. It is considered that the shortfall in separation distances is minimal and assists in providing a good quality layout and focal points within the streetscene enhancing the overall urban design of the site therefore, on a minimal basis is considered to be a positive element of the development.
38. 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.
39. 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

40. The site is located adjacent to the ongoing Grey Towers development and to the southeast of dwellings at Bonny Grove. The scheme has a density of approximately 18 dwellings per hectare which is in keeping with the densities of the surrounding housing estates.
41. The development has been designed taking cues and characteristics from the surrounding areas in relation to design details and the use of varying boundary treatments, landscaping and the fenestration, finishing materials and roof types of the proposed dwellings. The quality of the materials will be controlled by a condition of the application.
42. The proposed housetypes are of a good size in accordance with or exceeding government space standards. 11 House types are proposed offering a mix of 2, 3, 4 and 5 bedrooms including bungalows and two-storey dwellings. The bungalows are placed in a number of locations throughout the site resulting in varying roof heights enhancing the visual appearance of the area. The proposed housetypes incorporate various design details including gable features, soffits, decorative porches, stepped elevations, windows set in the eaves and bay windows. The quality of the designs has been retained with all the housetypes including the affordable bungalows. The design details and finishing materials result in a high quality appearance of the dwellings and enhance the quality of the streetscene. Statement dwellings and corner turners have been located at prominent positions throughout the site to further enhance the streetscene and the quality of the development providing focal points. Where possible dwellings are fronted onto open spaces providing attractive views over landscaped settings.
43. The existing mast located on the site is a constraint. In this locations dwellings have been orientated so that the mast does not dominate views from the properties. Higher boundary treatments constructed from brick with timber inserts in this location assist with ensure the amenity of new residents is not compromised and also add an attractive element to the streetscene.
44. 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.
45. 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.
46. The proposed dwellings are considered to be high quality design in accordance with the requirements of Policies DC1, CS4 and CS5.

Streetscene

47. When considering an application of this scale it is necessary to consider the impact of the development on the character of the area which should be maintained and enhanced. It is recognised that this area of the town provides a high quality residential environment with a mix of dwelling types and countryside. Whilst overall the character of the area will change with housing erected on this site, the existing and proposed trees, hedges and landscape works, together with the internal layout,

road hierarchy, design and orientation of the dwellings, will contribute towards a high quality streetscene which mitigates the visual impact of the development on its surroundings helping to assimilate the scheme into the wider residential area.

48. The site includes an area of woodland which is to be retained. An area of open space including a detention basin is located at the entrance to the site as part of the sustainable drainage scheme. The woodland and landscaped areas are of a significant benefit to the community providing leisure opportunities through walkways connecting the open areas and landscaped spaces, and enhancing the visual appearance of the area. In addition art/play equipment will be installed to enhance the leisure experience available to residents and to increase the visual appearance of the area.
49. The layout responds to existing natural features and the dwellings have been orientated to provide a maximum benefit from views over the open spaces and landscaped areas, with existing and new rights of way, cycle paths and bridleways penetrating the site connecting the properties to the landscaped and wooded areas and the wider right of way network. Statement dwellings have been located at prominent positions throughout the site to further enhance the streetscene and quality of the development.
50. 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. Where properties are not facing the mast and the woodland higher boundary treatments of appropriate designs provide enhanced security for the future residents.
51. 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.

Ecology/Landscaping

52. The site comprises buildings, woodland and grassland with hedgerows around the boundaries of the site and within it. Where possible the development retains existing trees including the woodland located to the southeast boundary. The hedgerow within the site will have a section removed to provide access through it however the majority of it is retained. The development proposes a landscaping scheme including the planting of new hedges and trees and the inclusion of wildflower planting at the detention basin and woodland edge.
53. Ecological Impact Assessments have been submitted as part of the application documents. The assessments targeted specific species and habitats relevant to the application site and development proposals. The investigations found no evidence of badger, reptiles, water vole and otters and no issues in relation to the habitats on the site. However, further investigations are required in relation to bats and great crested newts. These elements will be controlled by condition.
54. The majority of the application site is grassland with limited potential for wildlife. The existing woodlands and hedge rows are to be retained and enhanced with additional landscaping in the residential gardens and open spaces. The addition of the detention basin as part of the sustainable drainage scheme and grassland areas will enhance the visual appearance of the streetscene and will increase the ecological habitat on the site.

55. It is considered that although the development will result in the loss of open field the creation of landscaped and suds features proposed and effective woodland management will offer enhanced ecological potential and have a positive impact in accordance with the requirements of Local Plan Policy CS4.

Other matters

56. The development has been considered in relation to the potential archaeology at the site. It is considered that any impacts on potential archaeology can be controlled by a suitably worded condition and watching brief.

57. Development has recently been refused and upheld by the planning inspectorate for development at the golf club. This differs from the application site as it is not an allocated site with the local plan and is outside the limits of development. As a result the two developments are not comparable.

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

59. It is noted that comments have been received with regards to the lack of community facilities. Whilst a lack of doctors places in the local area is not a material planning consideration it is noted that part of the Nunthorpe Grange site located close to this application site includes an area for the construction of a new doctors surgery and a separate application is currently being considered in relation to this.

60. The Council are also in discussions with the wider community regarding the provision of community facilities in the area using money secured through s106 contributions from surrounding housing developments in the Nunthorpe Ward.

61. Permission has also been given on the wider Grey Towers site for a restaurant/pub which has been implemented on site. Recent plans have been approved for minor changes to the floor plans and external appearance. However, the Planning Authority has no ability to force a developer to build the restaurant/pub.

62. As part of the s106 agreement contributions are being sought towards Bonny Grove Park, Sudbury Pond and Fairy Dell in accordance with the requirements of the Marton West Neighbourhood Plan.

63. Whilst policy H30 requires a contribution to educational needs and comments have been made relating to the lack of school provision, the Council's education team have confirmed that they do not require a contribution from this development.

Conclusion

64. Whilst the proposal is in excess of the allocation identified in policy H30, the scheme as presented provides one of a high design quality in terms of the layout, built form and landscaping, that will deliver a significant number and proportion of bungalows. These matters are felt sufficient, in accordance with the provisions of policy H1, to override the maximum allowance prescribed in policy H30.

65. The increase number of dwellings raises no additional issues with regards to impacts upon transport or other infrastructure which are not being addressed through this or other developments. Given this, the S106 contributions being delivered through the development, and that the proposal is considered to be in accordance with the provisions of the Marton West Neighbourhood Plan as expressed by policy MW4 it is

recommended that the application be approved subject to the signing of the S106 Agreement and the conditions specified below.

RECOMMENDATIONS AND CONDITIONS

Approve subject to s106 Agreement

1. Time Limit

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

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

2. Approved Plans

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

- a) Location Plan, drawing PA-BC-01, rev. A;
- b) Proposed Site Layout, drawing no. PA-BC-02 rev. I;
- c) Housetype Planning Drawings, reference no. PA-BC-HT-01 rev. D;
- d) Brick Wall, Pier and Panel Detail (2200mm), drawing no. SBH-SD-BT-015;
- e) Brick Wall, Pier and Panel Detail (2000mm), drawing no. SBH-SD-BT-014;
- f) Timber Feather Edge Boarded (2200mm), drawing no. SBH-SD-BT-011;
- g) Timber Feather Edge Boarded (2000mm), drawing no. SBH-SD-BT-010;
- h) Timber Feather Edge Boarded (1800mm), drawing no. SBH-SD-BT-009;
- i) Timber Lap Fence and Trellis Detail (1500mm), drawing no. SBH-SD-BT-005;
- j) Boundary/Change in Level Between Dwellings Detail 300mm - 600mm, drawing no. 00x/SD-22 rev.A;
- k) Typical Brick Single Garage (Side Gable), Plan and Elevations, drawing no. GD-01;
- l) Landscape Masterplan, drawing no. R/2340/1D;
- m) Arboricultural Impact Assessment, reference no. 15680c/EW-Rev1;
- n) Proposed Highway Works, drawing no. AMA/20617/SK007;
- o) External works Plan - Sheet 1 of 2, drawing no. 040-EW-001 rev. D;
- p) External works Plan - Sheet 2 of 2, drawing no. 040-EW-002 rev. D;
- q) Flood Routing Plan, drawing no. 040-500-007 rev. D;
- r) Impermeable Area Plan, drawing no. 040-500-006 rev. D;
- s) Headwall S19 Construction Details, drawing no. 040-500-005;
- t) Flow Control MH S17 Construction Details, drawing no. 040-500-004 rev. B;
- u) Longitudinal Sections - Sheet 1 of 4, drawing no. 040-100-002 rev. C;
- v) Longitudinal Sections - Sheet 2 of 4, drawing no. 040-100-003 rev. C;
- w) Longitudinal Sections - Sheet 3 of 4, drawing no. 040-100-004 rev. C;
- x) Longitudinal Sections - Sheet 4 of 4, drawing no. 040-100-005 rev. C;
- y) Storm Sewer Design, dated 24.07.2020;
- z) Summary Wizard of 15 Minute 30 Year Winter, dated 24.07.2020;
- aa) Summary Wizard of 15 Minute 1 Year Winter, dated 24.07.2020;
- bb) Summary Wizard of 15 Minute 100 Year Winter, dated 24.07.2020;
- cc) S104 Manhole Schedule, drawing no. 040-500-002 rev. D;
- dd) S104 Agreement Plan, drawing no. 040-500-001 rev. E;
- ee) Flood Risk Assessment and Surface Water Management Strategy, reference no. 5076/FRA01(A) dated March 2020;
- ff) Noise Impact Assessment, reference no. 8028.1 rev. A;
- gg) Transport Assessment, reference no. 20621-001;

- hh) Extended Phase 1 Habitat Survey and Preliminary Ecological Appraisal, dated December 2019;
- ii) Archaeological Desk Based Assessment, reference no. SBH07-01; and,
- jj) Geophysical Survey Report, reference no. MSNZ684, dated July 2020.

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. Retaining Walls

Prior to the commencement of construction above ground level, or in accordance with a program of works to be agreed with the Local Planning Authority. Full details of all retaining walls must 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 a satisfactory form of development and in the interests of the visual amenities of the area having regard for policies DC1, CS4 and CS5 of the Local Plan and section 12 of the NPPF.

5. 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.

6. PD Rights Removed Means of Enclosure

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

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

7. PD Rights Removed 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. Recreation

Full details and specifications of the art/play/leisure/fitness area for each phase of the development (including planting, fencing, safety surfacing, equipment, seats, litter bins, lighting and a management and maintenance scheme) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the substantial completion of the relevant phase or before the occupation of the 40th dwelling within that phase, whichever is the sooner. The approved art/play/leisure/fitness area shall be so retained solely for the purposes of recreation.

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

15. 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.

16. 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.

17. 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.

18. Traffic Regulation Order

Prior to the commencement of development hereby approved the details of necessary Traffic Regulation Orders to extend the 30mph limit on Brass Castle Lane must have been agreed in writing with the Local Planning Authority. The development hereby approved must not be occupied until the process to implement the agreed Traffic Regulation Orders has been initiated.

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

19. 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.

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

Within 4 months of commencement of the development hereby approved, a Public Rights of Way Dedication plan(s) to a scale of 1:200 showing the following information must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development must be carried out in full accordance with the approved details

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

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

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

21. 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 and Surface Water Management Strategy, report no. 5076/FRA01 (A) dated March 2020 and the development shall be completed in accordance with the approved scheme.

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.

22. 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:

- a. A build program and timetable for the provision of the critical surface water drainage infrastructure.
- b. Details of any control structure(s) and surface water storage structures
- c. Details of how surface water runoff from the site will be managed during the construction Phase
- d. 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.

23. 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;

- a. 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.
- b. 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.

24. Drainage Scheme - Foul Flows

Development shall be implemented in line with the drainage scheme contained within the submitted document entitled S104 Agreement Plan, drawing no. 040-500-001 rev. E. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 7106 and ensure that surface water discharges to the existing watercourse.

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

25. Contaminated Land Site Investigation

Prior to the commencement of development a full and competent site investigation including risk assessment must be undertaken and submitted to and approved in writing by the Local Planning Authority. This must identify any contamination present and specify adequate remediation. The development must be carried out in accordance with the approved risk assessment and remediation scheme.

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

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

26. Archaeology WSI
No development shall take place until a written scheme of investigation (WSI) for an archaeological watching brief has been agreed with the Local Planning Authority in respect of works or ground disturbance below a depth of 300mm in the western half of Area 5 of the submitted geophysical survey (MS report MSNZ684). The development shall only be carried out in accordance with the WSI as approved by the Local Planning Authority.

Reason: The relevant part of the application site contains features of archaeological interest.

27. Ecology
The surveys detailed below, as set out in the approved Extended Phase 1 Habitat Survey and Preliminary Ecological Appraisal, dated December 2019, must be undertaken on site and the findings submitted to and approved in writing by the Local Planning Authority.
- a) Bat Activity Survey;
 - b) 3 Bat Activity Transect Surveys; and,
 - c) Great crested newt assessment.

Thereafter any further works or mitigation identified as being required shall be carried out on site and the mitigation measures 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.

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 reasonably high quality design and would provide a pleasant and sustainable environment offering a good mix of dwelling types. Landscaped areas will enhance ecological potential and will benefit the wider community. There are no statutory objections to the proposal in terms of the sustainability of the site or the ability to meet necessary flood, ecology, highways and noise mitigation.

The application site is an allocated site within the approved Housing Local Plan. Although the additional dwellings conflict with some elements of Policy H30 it meets the other requirements of this policy and the justification for increased numbers as set out in policy H1 and other relevant local and national policies. On balance the conflict with policy H30 does not outweigh the social, economic and environmental sustainable benefits of the development.

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.

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.

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.

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

The permission hereby granted should not be construed as authority to place signage, skips, scaffolding, hoarding or building materials within the public highway nor allow cranes/structures to oversail the public highway. Highways consent and the appropriate licence(s) are required prior to these activities.

Further information can be found at;

<https://www.middlesbrough.gov.uk/parking-roads-and-footpaths/roads-and-highways/highway-licences>

or contact the Highway Authority (tel: 01642 728153).

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.

Discharge into Watercourse/Culvert

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

Sustainable Drainage Systems

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

Permeable Surfacing

Guidance on permeable surfacing of front gardens is available on the Communities and Local Government Website: www.communities.gov.uk

Wildlife and Countryside Act

The applicant is reminded that under the Wildlife and Countryside Act 1981 it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1st March and 31st

August. Trees and scrub are present on the application site should be assumed to contain nesting birds between the above dates unless a survey has shown conclusively that nesting birds are not present.

Protected Species

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

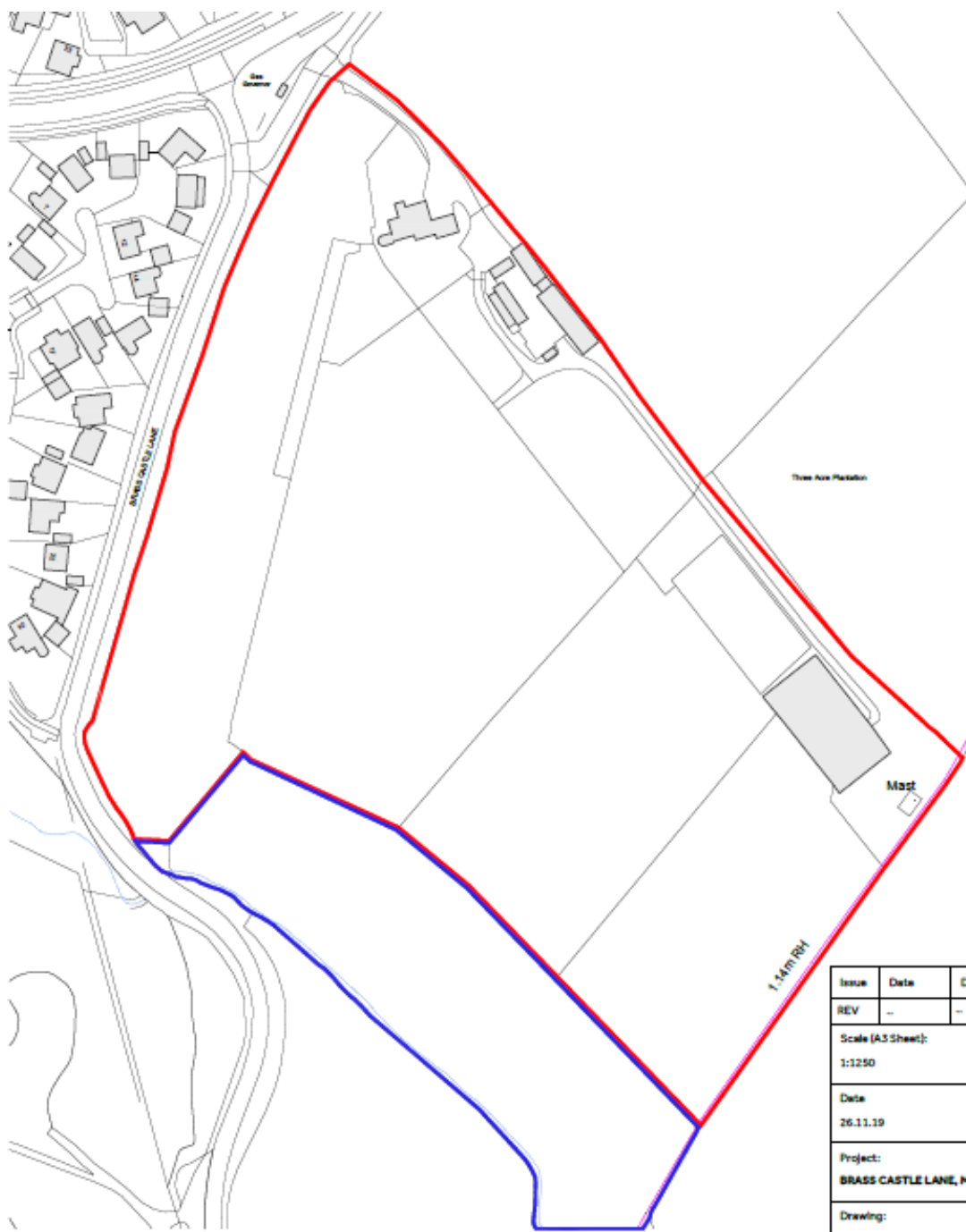
Construction Noise


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

Case Officer: Shelly Pearman

Committee Date: 4th December 2020

Location Plan



Issue	Date	Detail
REV	-	-
Scale (A3 Sheet):		Drawn By:
1:1250		BH
Date	Drawing Number:	
26.11.19	PA-BC-01	
Project:		
BRASS CASTLE LANE, MARTON, TS8 9QZ		
Drawing:		
LOCATION PLAN		
 STONEBRIDGE		
FEATHERBANK COURT, HORSFORTH, LEEDS, LS18 4GF 0113 357 1100 WWW.STONEBRIDGEHOMES.CO.UK		
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BRASS CASTLE LANE, MARTON, TS8 9QZ

