
APPLICATION DETAILS

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

SUMMARY

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

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

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

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

SITE AND SURROUNDINGS AND PROPOSED WORKS

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

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

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

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

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

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

Documents submitted in support of the application include:

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

PLANNING HISTORY

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

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

Refused 8th December 2020

Appeal Dismissed 20th October 2021

PLANNING POLICY

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

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

Middlesbrough Local Plan

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

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

National Planning Policy Framework

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

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

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

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

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

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

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 a further consultation exercises were carried out. The comments below are in response to the original and revised plans.

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

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

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

Resident comments received from:

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

Planning Policy - MBC

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

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

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

Highways - MBC

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

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

No objections are raised subject to relevant conditions.

Waste Policy - MBC

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

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

Environmental Health - MBC

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

Public Rights of Way - MBC

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

Local Flood Authority - MBC

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

Archaeology

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

Secured by Design - Cleveland Police

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

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

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

Northumbrian Water

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

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

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

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

For Information Only

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

Northern Gas

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

Natural England

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

Cleveland Fire Brigade

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

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

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

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

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

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

Marion West Community Council

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

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

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

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

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

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

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

Nunthorpe Parish Council

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

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

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

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

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

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

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

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

Former Councillor Chris Hobson (Marton West Ward)

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

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

Councillor Mieka Smiles (Nunthorpe Ward)

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

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

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

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 making changes to the layout and providing additional details and information. The revised details are the subject of this report.

Principle of Development

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

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

Highways

Impact

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

Access

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

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

Design & Parking

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

Sustainability

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

Flood Risk and Drainage

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

Environmental health

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

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

Amenity

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

Design

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

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

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

Streetscene

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

Landscaping/Ecology

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

Nutrient Neutrality

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

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49. The Local Planning Authority must consider the nutrient impacts of any development within the SPA catchment area which is considered to be 'in-scope development' and whether any impacts may have an adverse effect on its integrity that requires mitigation. If mitigation is required it will be necessary to secure it as part of the application decision unless there is a clear justification on material planning grounds to do otherwise.
50. In-scope development includes new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). This is not an exhaustive list. It also includes agriculture and industrial development that has the potential to release additional nitrogen and / or phosphorous into the system. Other types of business or commercial development, not involving overnight accommodation, will generally not be in-scope unless they have other (non-sewerage) water quality implications.
51. Following the completion of a Habitat Regulation Assessment this development is considered to be in scope and has been put through the Teesmouth Nutrient Budget Calculator which established the total annual nitrogen load the development must mitigate against.
52. There are a number of ways a development can mitigate against nitrogen, one of which is to apply to Natural England for credits. In relation to the proposed development the applicant successfully applied to Natural England for credits.
53. The mitigation is considered to be acceptable for this development, subject to the provisional Nutrient Credit Certificates becoming final Nutrient Credit Certificates. It is the planning view that this can be controlled by a pre-commencement condition being placed on the planning application, should it be approved, which requires a copy of the final credit certificate to be sent to the Local Planning Authority prior to any works commencing on site.
54. The proposed development will not have an unacceptable impact in terms of nitrate generation/pollution as the applicant has been able to demonstrate acceptable mitigation. As a result the scheme will not have a Likely Significant Effect. Natural England have confirmed that they have no objections to the development. On this basis the scheme is considered to be acceptable.

Other Matters

Archaeology

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

Broadband Infrastructure

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

Electric Charging Points and Renewable energy

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

Community Facilities

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

Social and Economic Benefits

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

Material Considerations

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

Appeal Decision

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

Bungalows

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

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

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

Layout

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

Sustainable Drainage Scheme

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

Trees

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

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

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

Conclusion

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

RECOMMENDATIONS AND CONDITIONS

Approval with Conditions and S106 Agreement

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

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

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

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

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

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

3. Materials - Approved Details

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

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

4. Retaining Walls

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

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

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Local Plan and section 12 of the NPPF.

5. Waste Audit

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

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

6. PD Rights Removed Means of Enclosure

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

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

7. PD Rights Removed Alterations to Means of Enclosure

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

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

8. PD Rights Removed Extensions/Alterations

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

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

9. PD Rights Removed Conversion of Garages

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

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

10. PD Rights Removed Hardstanding

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

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

11. No Sleeping Accommodation

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

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

12. Landscape Scheme and Management Plan

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

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

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

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13. Replacement Tree Planting

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

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

14. Retained Trees

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

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

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

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

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

15. Hedges and Hedgerows

All hedges or hedgerows on the site unless indicated as being removed shall be retained and protected on land within each phase in accordance with details set out in the approved Arboricultural Impact Assessment, reference no. 15680b/EW-Rev4 and Arboricultural Method Statement, reference no. 15680c/EW-Rev3 or in accordance with details to be submitted and approved in writing by the local planning authority, for the duration of works on land within each phase unless otherwise

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

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

16. Recreation

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

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

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

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

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

18. Details of Roads, Footpaths and Open Spaces

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

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

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sections 9 and 12 of the NPPF.

19. Car and Cycle Parking Laid Out

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

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

20. Traffic Regulation Order

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

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

21. Method of Works Statement

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

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

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

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

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

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

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

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

23. Surface Water Drainage Approved Details

The development shall not be occupied until the surface water drainage works have been implemented in accordance with the approved details listed below, or in accordance with details to be submitted to and approved in writing by the Local Planning Authority, which follow the principles as outlined in the Flood Risk Assessment and Surface Water Management Strategy, reference no. 5076/FRA01(A) and restricts surface water discharge from the development to a greenfield runoff rate of 5 l/s or as specified by the LLFA.

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

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

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

24. Drainage Scheme Foul Flows

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

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

25. Contaminated Land Site Investigation

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

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

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

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

26. Ecology

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

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

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

27. Water Consumption

Water usage will be limited to 105 litres/person/day as measured in accordance with a methodology approved by the Secretary of State.

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

28. Nutrient Mitigation Scheme – Credits or Suitable Alternative

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

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

29. Renewable Energy

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

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

Reason for Approval

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

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

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

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

INFORMATIVES

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

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

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

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

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

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

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- **Statutory Undertakers**
The applicant is reminded that they are responsible for contacting the Statutory Undertakers in respect of both the new service to their development and the requirements of the undertakers in respect of their existing apparatus and any protection/ diversion work that may be required. The applicant is advised to contact all the utilities prior to works commencing.
- **Name and Numbering**
Should the development require Street Names, Numbers and/or Post Codes the developer must contact the Councils Naming and Numbering representative on 01642 728155.
- **Discharge into Watercourse/Culvert**
The applicant is advised that any discharge of surface water into a watercourse or culverted watercourse requires consent from the Local Authority.
- **Sustainable Drainage Systems**
Sustainable Drainage Systems (SuDS) should be considered when designing drainage, driveways and car parking areas.
- **Permeable Surfacing**
Guidance on permeable surfacing of front gardens is available on the Communities and Local Government Website: www.communities.gov.uk
- **Dilapidation Survey**
Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused. Under the terms of the 1980 Highways Act Middlesbrough Council will seek to recover any expenses incurred in repairing or making good such damage. The applicants are therefore strongly advised to carry out a joint dilapidation survey with the authority prior to and upon completion of, works on site. (01642 728156)
- **Deliveries to Site**
It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction then early discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so as to mitigate the effect of the obstruction to the general public.
- **Cleaning of Highway**
The applicant is reminded that it is the responsibility of anybody carrying out building work to ensure that mud, debris or other deleterious material is not deposited from the site onto the highway and, if it is, it shall be cleared by that person. In the case of mud being deposited on the highway wheel washing facilities should be installed at the exit of the development.
- **Adoption of Highway - S38**
The applicant is advised that prior to the commencement of works on site they should

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

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

Case Officer: Shelly Pearman

Committee Date:

Appendix 1 – Site Location Plan

