
APPLICATION DETAILS

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

SUMMARY

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

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

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

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

SITE AND SURROUNDINGS AND PROPOSED WORKS

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

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

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

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

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

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

PLANNING HISTORY

M/FP/0082/16/P

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

Approved Conditionally

11th April 2016

PLANNING POLICY

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

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

- Any other material considerations.

Middlesbrough Local Plan

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

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

National Planning Policy Framework

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

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

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

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

- H1 – Spatial Strategy
- H7 – Hemlington Grange

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

Stainton and Thornton Neighbourhood Plan
Hemlington Grange South Development Brief

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

CONSULTATION AND PUBLICITY RESPONSES

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

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

Summary of Public Responses

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

Responses from Internal Technical Services

Planning Policy – No objections

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

Highway Planning – No objections subject to conditions

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

Local Flooding Officer – No objections subject to conditions

The proposed drainage strategy is considered to be acceptable as it follows the principles as outlined in the flood risk assessment. Additional information is required, including details of the design, the management and maintenance of the drainage system.

Environmental Health – No objections subject to conditions

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

Secured By Design Advisor – No objections

The development should be developed to accredited secured by design standards.

Responses from Statutory and External Consultees

Northumbrian Water – No comments received.

Northern Gas Networks – Objects

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

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

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

North Yorkshire Council – No objections

PLANNING CONSIDERATION AND ASSESSMENT

Background

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

National Planning Guidance

2. Section 38 of the Planning and Compulsory Purchase Act requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. At a national level, the Government's guidance is set out in the National Planning Policy Framework (NPPF). The NPPF states that the general principle underlying the town planning system is that it is 'plan led'. In determining planning applications, due weight should be given to local planning policies in accordance with their consistency with the revised NPPF, with greater weight given the closer policies are to those in the NPPF.

3. Put simply, this means all proposed development that is in accordance with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless material considerations indicate otherwise.

4. Section 2 of the NPPF gives a broad outline on achieving sustainable development. To ensure sustainable development is pursued in a positive way, the presumption in favour of sustainable development is at the heart of the framework. Development proposals that are in accordance with the development plan should be approved without delay.

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

Local Policy Context and Assessment

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

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

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

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

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

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

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

Transport Implications

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

Network Assessment

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

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

Access

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

Active Travel

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

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

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

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

Flood Risk and Drainage Implications

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

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

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

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

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

Environmental Health Considerations

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

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

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

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

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

Nutrient Neutrality

29. Nutrient neutrality relates to the impact of new development on the Teesmouth and Cleveland Coast Special Protection Area (SPA) (and Ramsar Site) which Natural England now consider to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the SPA. It is understood that this has arisen from developments and operations that discharge or result in nitrogen into the catchment of the River Tees. Whilst it is understood that this will include farming activities and discharge from sewage treatment works, it also relates to waste water from development. New development has the ability to exacerbate this impact. Natural England has advised that only development featuring overnight accommodation (houses, student accommodation, hotels etc) should be deemed to be in scope for considering this impact, although this is generic advice and Natural England have since advised that other development where there is notable new daytime use could also be deemed to have an impact, which may require mitigating. As with all planning applications, each has to be considered on its own merits. Furthermore, it is recognised as being particularly difficult to accurately define a precise impact from development in relation to nutrient neutrality given the scale of other influences. Notwithstanding this, the Planning Authority need to determine applications whilst taking into account all relevant material planning considerations.

30. The Local Planning Authority must consider the nutrient impacts of any development within the SPA catchment area, which is considered 'in-scope development' and whether any impacts may have an adverse effect on its integrity that requires mitigation. If mitigation is required, it will be necessary to secure it as part of the application decision unless there is a clear justification on material planning grounds to do otherwise.

31. In-scope development generally includes, but is not limited to, new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). It also includes agriculture and industrial development that has the potential to release additional nitrogen and / or phosphorous into the system. Other types of business or commercial development, not involving overnight accommodation, will generally not be in-scope unless they have other (non-sewerage) water quality implications.

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

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

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

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

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

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

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

Biodiversity and Ecology

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

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

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

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

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

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

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

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

Other Matters

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

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

Conclusion

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

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

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

RECOMMENDATIONS AND CONDITIONS

Approve Conditionally

1. Outline Permission: All Matters Reserved

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

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

2. Time Period for Commencement

The development hereby permitted shall be begun not later than:

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

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

3. Approved Plans Major Outline

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

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

Reason: To ensure the appropriate decontamination of the site in the interests of safety, local amenity and the amenities of the potential occupiers of the site.

4. Waste Audit

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

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

Reason: To ensure a satisfactory form of development in the interests of the amenities of residents having regard for policies DC1, CS5 of the Local Plan and section 12 of the NPPF.

5. Assessment of Road Noise

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

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

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

Reason: To ensure a satisfactory form of development in the interests of the amenities of residents having regard for policies DC1, CS5 of the Local Plan and section 12 of the NPPF.

6. Surface Water Drainage Details

Prior to the commencement of the development on site, a detailed surface water drainage scheme (design and strategy) shall be submitted to and approved in writing by the Local Planning Authority. The scheme should be designed, following the principles as outlined in the approved Flood Risk Assessment and Drainage Strategy and the development shall be completed in accordance with the approved scheme.

The design of the drainage scheme shall include, but not be limited to:

- i. The surface water discharge from the development must be limited to a Greenfield run off rate (Q_{bar} value) with sufficient storage within the system to accommodate a 1 in 30 year storm.
- ii. The method used for calculation of the existing greenfield run-off rate shall be the ICP SUDS method.
- iii. The design shall ensure that storm water resulting from a 1 in 100 year event, plus climate change surcharging the system, can be stored on site with minimal risk to persons or property and without overflowing into drains, local highways or

watercourses.

- iv. Provide an outline assessment of existing geology, ground conditions and permeability.
- v. The design shall take into account potential urban creep.
- vi. The flow path of flood waters for the site as a result on a 1 in 100 year event plus climate change (Conveyance and exceedence routes)

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

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

7. Surface Water Drainage Management Plan

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

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

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

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

8. Surface Water Drainage Management and Maintenance Plan

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

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

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

9. Foul and Surface Water NWL

Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

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

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

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

11. Details of Roads, Footpaths and Open Space Required

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

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

12. Off-Site Highways Works

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

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

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

13. Method of Works Statement

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

- a) Routing of construction traffic, including signage where appropriate;
- b) Arrangements for site compound and contractor parking;

- c) Measures to prevent the egress of mud and other detritus onto the public highway;
 - d) A jointly undertaken dilapidation survey of the adjacent highway;
 - e) Program of works; and,
 - f) Details of any road/footpath closures as may be required.
- The development must be carried out in accordance with the approved details.

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

14. Retained Trees

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

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

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

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

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

15. Soft Landscaping Works

Prior to the occupation of any of the dwellinghouses hereby approved, a detailed scheme for tree planting and associated soft landscaping works based on the indicative landscaping proposals drawing and the requirements set out in the Wildlife Mitigation condition shall be submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall include details of the proposed trees to be planted, including their species, size and location. The tree planting and

associated landscaping works shall take place during the first available planting season (October-March) following the completion of building works on the site. The Local Planning Authority shall be notified within two weeks of the landscape planting works.

Reason: To ensure the satisfactory implementation of an approved landscaping scheme in the interests of the visual amenities and landscape features of the area.

16. Landscape Management Plan

A landscape management plan, including management responsibilities and maintenance schedules for a minimum of five years, and including arrangements for its implementation, for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any part of the development for its permitted use. Thereafter, the approved landscape management plan shall be carried out as approved.

Reason: To ensure the satisfactory implementation of an approved landscaping scheme in the interests of the visual amenities and landscape features of the area.

17. Replacement Planting

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

Reason: In the interests of the general amenities of the area and a satisfactory landscaping scheme.

18. Details of Boundary Treatments

Prior to their installation, details of all boundary treatments for the development hereby approved shall be submitted to and approved in writing by the local planning authority. Details for submission shall include the design, specification and positioning of the boundary treatments. Any approved boundary treatments shall then be implemented as part of the development hereby approved.

Reason: In the interests of the visual amenities of the local area and the character and appearance of the area.

19. Ecology – Mitigation During Construction

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

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

20. Biodiversity Net Gain

Prior to the commencement of the development hereby approved, a detailed

ecological appraisal for the purposes of biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The appraisal shall assess the ecological value of the existing site and identify measures to secure a net measurable gain in biodiversity when measured against the pre-development biodiversity value of the development site. Any approved scheme for biodiversity net gain shall then be implemented as part of the development hereby approved and retained in perpetuity.

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

21. Site Clearance and Protection of Nesting Birds

Any works to clear the site in preparation for development (including removal of vegetation and any groundworks) should be initiated outside of the bird breeding season (March to October). If preparatory site clearance works cannot be undertaken outside of the bird breeding season, a suitable methodology for undertaking site clearance works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved methodology shall be carried out on site.

Reason: To provide adequate protection for nesting and breeding birds.

22. Fabric First/Renewables

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

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

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

23. Affordable Housing

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

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

24. Development Brief Requirements

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

- Play area

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

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

Reason for Approval

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

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

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

INFORMATIVES

Fee for discharging conditions

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

Building materials on highway

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

Deliveries to site

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

Cleaning of highway

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

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

Contact Northern Gas

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

Design Guide and Specification

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

S38

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

Delap

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused. Under the terms of the 1980 Highways Act Middlesbrough Council will seek to recover any expenses incurred in repairing or making good such damage. The applicants are therefore strongly advised to carry out a joint dilapidation survey with the authority prior to and upon completion of, works on site. (01642 728156)

Maintenance of Open Space

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

Name and Numbering

Should the development require Street Names, Numbers and/or Post Codes the developer must contact the Councils Naming and Numbering representative on (01642) 728155

Discharge of Surface Water

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

Contact statutory undertakers

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

Secured by Design

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

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

Cleveland Fire Service

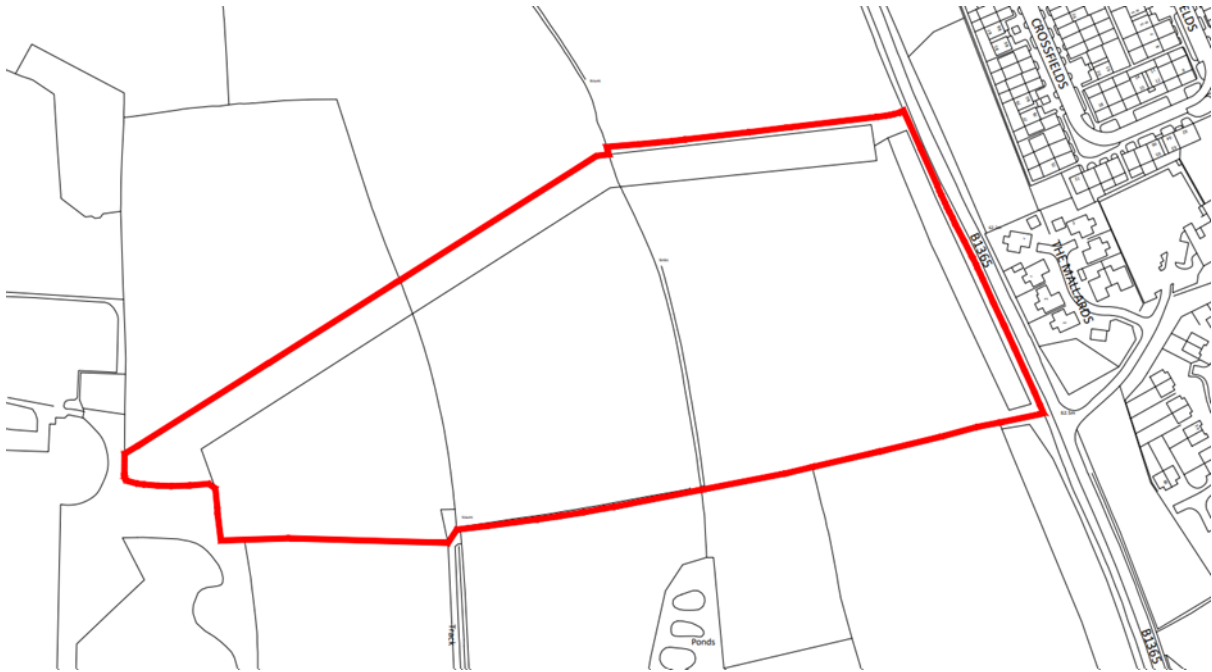
Access and Water Supplies should meet the requirements as set out in: Approved Document B Volume 2: 2019, Section B5 for buildings other than Dwellings. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2.

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

Case Officer: Peter Wilson

Committee Date: 11th April 2024

Site Location Plan



Nutrient Mitigation Location Plan

