
APPLICATION DETAILS

Application No:	20/0658/FUL
Location: Nunthorpe Middlesbrough	Nunthorpe Grange
Proposal:	Erection of 69 no. residential dwellings with associated access, landscaping and infrastructure
Applicant: Company Name:	Mr Ben Stephenson
Agent: Company Name:	
Ward:	Nunthorpe
Recommendation:	Approve with Conditions and S106 Agreement

SUMMARY

Permission is sought for the erection of 69 dwellings with associated access, landscaping and infrastructure on land at Nunthorpe Grange to the north west of the A11043 (Nunthorpe Bypass). The site is part of the wider Nunthorpe Grange site.

Following a consultation exercise objections were received from 33 properties, the Community Council, 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 density, design, housetypes and layout are sympathetic to the local character of the surrounding area and are in accordance with the adopted Design Code. The development will not result in a significant detrimental impact on the amenities of existing local residents. Localised and strategic works to the highway network will mitigate against the impact of the development on the local highway network.

The development meets the requirements of the relevant national planning policies detailed within the NPPF and Local Plan policies, specifically H1, H10, H11, H12, H29, H31, CS4, CS5, and DC1. The recommendation is for approval of the application subject to conditions and a S106 agreement.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The site is located on the northwest side of the A1043 (Nunthorpe Bypass) approximately half way between the Poole Roundabout and Swans Corner. It comprises 5.84ha of green field.

To the northwest are existing dwellings primarily comprising large detached two storey dwellings. To the south, north and east are green fields separated by tree belts/hedgerows, a railway line and the Nunthorpe Bypass. To the northeast there is an area of business/commercial use with a small number of residential units set within the open space further to the east. There is an existing dwelling located in the southern corner of the site.

Permission is sought for the erection 69 no. dwellings (reduced from 77) with associated works including the creation of a temporary vehicle access onto the A1043, internal highway network, drainage works and landscaping.

The 69 dwellings proposed are made up of 11 housetypes comprising 4 three-bed, 29 four-bed and 36 five-bed. The dwellings are a mix of two and three storey, detached and semi-detached properties.

Documents submitted in support of the application include:

- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Transport Assessment
- Travel Plan
- Archaeological Assessments
- Noise Impact Assessment
- Ecological Appraisals
- Site Investigation

PLANNING HISTORY

18/0786/FUL - Erection of 97 residential dwellings with associated access, landscaping and infrastructure – Nunthorpe Grange, Nunthorpe, Middlesbrough
Refused 8th September 2020 - Appeal Dismissed 16th March 2021

18/0757/FUL - Construction of new roundabout - Nunthorpe Bypass (A1043) (Between The Poole Hospital Roundabout and Field House) Middlesbrough
Approved with Conditions 5th March 2019

21/1145/FUL - Creation of a permanent access road off the proposed roundabout on the A1043 to the Nunthorpe Grange housing development to the north. – Nunthorpe Grange, Nunthorpe, Middlesbrough
Approved with Conditions 25th March 2022

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with

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

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

Middlesbrough Local Plan

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

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

National Planning Policy Framework

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

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

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

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

DC1 - General Development, CS5 - Design, CS4 - Sustainable Development, UDSPD - Urban Design SPD, CS20 - Green Infrastructure, H1 - Spatial Strategy, H11 - Housing Strategy, HGDC - Highway Design Guide, H12 - Affordable Housing, CS18 - Demand Management, H29 - Land at Nunthorpe, CS19 - Road Safety, H10 - Nunthorpe, NGDC - Nunthorpe Grange Design Code, 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. A further consultation process was carried out after the submission of revised details that reduced the number of dwellings proposed and made changes to the layout. Following the consultation exercises objections were received from 33 properties, the comments are summarised below:

1. Do not need more houses, there are new houses that haven't been sold;
2. Affordable housing is needed closer to the town;
3. Lack of services i.e. schools, doctors, dentists, shops and parking spaces at shops;
4. Loss of open space;
5. Impact on wildlife;
6. Increase risk of flooding;
7. Site is a flood plain;
8. Pond flood attenuation solution has been abandoned for storage chambers and pumping station;
9. Pumping station is large, will require lighting and hardstanding not in keeping with natural habitat;
10. Foul sewer rising main and easement is in the wrong position;
11. Increase in traffic;
12. Inadequate highway infrastructure;
13. Bus stops on bypass will impact on traffic and cause pedestrian safety issues;
14. Highway safety;
15. Pedestrian safety;
16. Poor access/access onto the Bypass;
17. Bypass will no longer be bypass;
18. Access should be from approved roundabout;
19. Inadequate parking provision;
20. Inadequate visitor parking for country park
21. Inadequate public transport provisions to reduce traffic;
22. Increase in pollution;
23. Increase in noise;
24. Reduction in number of houses is not enough to approve the application;
25. Not in keeping with surrounding area;

26. Too high density;
27. More open space needed on the development;
28. Contrary to local plan;
29. None of the delivered inclusions in the 2014 Infrastructure Delivery Plan;
30. Premature development, should come forward with the rest of the site;
31. Development of wider site should start by the existing roundabout, would better allow for sustainable transport solutions;
32. Local plan is outdated;
33. Contrary to Design Code;
34. No development until the Nunthorpe Vision/masterplan has been agreed;
35. Pedestrian link to Nunthorpe Gardens can't be achieved as land is not owned by developer, not agreed or enforceable. Residents will be car dependent;
36. Link to Nunthorpe gardens will overload road and impact on it's functionality;
37. Bin collection for plots 21-39 will be jammed with 38 bins.
38. Poor quality;
39. Poor layout;
40. Parking courts are contrary to the design code;
41. Access to parking courts is under a bedroom, poor amenity for resident;
42. Some houses side onto the railway line rather than back on to it contrary to design code;
43. Noise and vibration from railway line will impact on amenity, vibration test outdated;
44. Transport study is out of date, does not include all trains;
45. Some documents state incorrect number of dwellings;
46. Dwelling on plot 54 is in different locations on different plans;
47. Loss of light to conservatory and garden/overshadowing;
48. Too close to existing house;
49. Eyesore when viewed from Nunthorpe Gardens;
50. Not in line with Nunthorpe Covenants;
51. Increase in anti-social behaviour and litter;
52. Supporting documents are out of date;
53. Developer has a reputation for poor build quality;
54. Park and ride will not be used;
55. Should develop brownfield land;
56. Council just want houses for the Council tax; and,
57. Reduce property values.

Comments received From:

1. 9 Bedford Road
2. 3 Box Drive
3. 11 Chesterfield Drive
4. 76 Chestnut Drive
5. 19 Collingham Drive
6. 110 Eagle Park
7. 17 Grey Towers Drive
8. 24 Grey Towers Drive
9. 35 Grey Towers Drive
10. 119 Guisborough Road
11. 128A Guisborough Road
12. 200B Guisborough Road
13. 98 Gunnergate Lane
14. 76 Gypsy Lane
15. 93 Gypsy Lane
16. 25 Marton Moor Road

17. 9 Nunthorpe Gardens
18. 15 Nunthorpe Gardens
19. 16 Nunthorpe Gardens
20. 17 Nunthorpe Gardens
21. 18 Nunthorpe Gardens
22. 19 Nunthorpe Gardens
23. 25 Nunthorpe Gardens
24. 2 Rookwood Road
25. 9 Selby Road
26. 7 Stokesley Road
27. 11 Stokesley Road
28. 17 Stokesley Road
29. 19 Stokesley Road
30. 23 Stokesley Road
31. 1 The Woodlands
32. Treetops, Railway Cottages
33. Woodland, West Moor, Dixons Bank

Planning Policy - MBC

The principle of residential development on this site accords with the Development Plan Policies. It is acknowledged that the applicant has reduced the number of dwellings from a previously proposed 97 units (Ref: 18/0786/FUL) to 69 units under this proposal. As a consequence, the applicant has been able to make significant layout improvements to the scheme. Consideration should therefore be given, as to whether the proposal now sufficiently meets the design principles as set-out in the Nunthorpe Grange Design Code development guidance document.

Highways - MBC

Concerns raised about the ability to require the removal of the temporary access once it is in place and the ability to provide the footpath/cycle to Nunthorpe Gardens. No objections raised in relation to highway safety or capacity.

Waste Policy - MBC

All properties serviced by a shared drive will be required to make their refuse and recycling receptacles available at the nearest public highway.

The collection stances should be located on a public highway and not a shared drive.

Environmental Health - MBC

The application has been considered in relation to noise nuisance from the local highway network, noise and vibration from the railway line, 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 Officer - MBC

I would like to see the several informal Footpaths running through the green space area to be constructed in stone and in some areas a raised walk way. The routes should also be dedicated as Public Footpaths and maintained as part of the management company, a condition will be required to secure this.

Local Flood Authority - MBC

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

Redcar and Cleveland Borough Council

The application site is in close proximity to the boundary with Redcar and Cleveland at the edge of Nunthorpe. The site is also in close proximity to the allocated site within the Redcar and Cleveland Local Plan for residential dwellings off Morton Carr Lane. The land is allocated under policy H3.4 of the Redcar and Cleveland Local, however to date the Council have not received a planning application for the site.

Development at the site has previously been considered by the Redcar and Cleveland engineers who have made the following observations;

We would offer no objections in principle to the development however would wish to make the following comments.

The layout of the new junction and new boundaries should make allowance for the creation of new footways and cycle paths along the Nunthorpe by-pass so that we can start considering provision for non-motorised transport users.

A footway/cycle route along the A1043 especially eastwards to the access to Morton Carr Lane, which is where the proposed Nunthorpe to Guisborough Cycle Route will cross the bypass, with the developer to pay the costs.

Also Arriva service 28a from Stokesley travels along the Bypass hourly so the developers should provide bus stops and a safe crossing treatment.

The proposed pedestrian / cycling connectivity northwards into the existing development is a good opportunity to connect to existing facilities in Nunthorpe and the wider area to the eastern side of the A1043.

Lastly, the priority junction is close to the location of the proposed vehicle access to the Nunthorpe Parkway Park & Ride site on the southern side. Whilst the junction layout/location has yet to be finalised, planning for this junction (or construction/contribution towards) will be beneficial. The P&R will be accessed via a shared footway/cycle route as well as vehicle access (see attached illustrative location plan).

Based on the comments above Redcar and Cleveland have no objection to the development, however should any significant amendments be made to the scheme we would request the opportunity to comment on these further.

Archaeology Consultant

This revised proposal for a lower density scheme (69 houses) raises no further archaeology/heritage issues to the application determined in the summer.

I have referred to the DBA and geophysical survey both previously submitted, together with the new application, and would, in this instance, give a response similar to the one given for the higher density scheme: that the site appears from the available evidence to be of negligible archaeological value, and consequently there is no archaeological impediment to planning permission being granted.

Natural England

No objection. Based on the plans submitted Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.

Environment Agency

We have assessed the additional supporting information and can now confirm that we wish to remove our previous objection of 22 July 2021. Should the the LPA be minded to approve, it is likely we would seek to condition the submission of a Construction Environment Management Plan.

We have reviewed the additional Great Crested Newt information. We have previously advised that an insufficient survey effort had been provided to inform the baseline assessment of the site for species, particularly Great Crested Newt, and the impacts cannot be assessment. We are satisfied with the amended information and consider the mitigation proposed adequate.

Northumbrian Water

We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Drainage Statement". In this document it states the foul flows shall discharge to the foul sewer at manhole 0805, whilst all surface water flows shall discharge to the watercourse.

We would therefore request that a condition be attached to any planning approval, so that the development is implemented in accordance with the above documents.

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy.

Northern Gas

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

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

Secured by Design – Cleveland Police

In relation to this application, I recommend applicant actively seek to develop to accredited Secured By Design Gold standard, Silver award however should be the minimum standard sought.

Full guidance is available within the SBD Homes 2019 Guide at www.securedbydesign.com

In any event I recommend they contact me for any advice, advice I can offer in relation to designing out opportunities for crime and disorder to occur.

In addition having viewed the proposal I would make additional comments and recommendations.

All public facing boundary treatments proposed at 1.8m in height I would recommend be raised to 2.0m. Any side/rear boundary treatment facing onto open land, grassed areas should in addition be raised to a minimum of 2.2 m to give additional rear/side protection from areas not readily surveilled.

Rear sub dividing boundaries from garden to garden are fine at 1.8m.

The entire development should be column street lit to BS5489:2013 lighting standards to a minimum uniformity of 20%.

This is for ALL adopted and non-adopted roads, shared driveway areas serving several plots, pathways and also importantly the proposed 3 x rear car parking courtyard areas.

Provision of ginnels allowing rear access to blocks of three properties should be avoided where possible, again if they must be included then as well as lockable gate access to each garden there should be additional locking gates included at point of entry.

Dusk/Dawn lights are recommended for each elevation with an external door as well as side parking areas to properties and on garages.

Permeability through the development should be kept to a minimum and any access paths should be well lit and surveilled and not to side/rear of properties.

Nunthorpe Parish Council

Nunthorpe Parish Council welcomes the reduction in the number of dwellings proposed for Nunthorpe Grange in the revised Planning Application submitted by Persimmon Homes. However, this statement of objection from the Parish Council explains why Persimmon's revised application should be rejected on the grounds that the total of 77 dwellings still significantly exceeds the number of houses authorised by the Middlesbrough Housing Local Plan 2014. Therefore, the first section of our statement outlines non-compliance as the fundamental flaw in Persimmon's submission to Middlesbrough Council's Planning Committee.

NPC summarised comments:

- Maximum figure for site as a whole is 250 as set out as a maximum in the Local Plan, not 350 as stated in the Design Code. Design Code is guidance created when a new local plan was being considered but this has now been withdrawn.
- it is probably reasonably fair to conclude that Persimmon's land share is between 21% and 25% of the 250 houses. This results in a range between 53 houses (21%) and 63 houses (25%), with the average being 58 houses (23%). Clearly, the 77 houses currently being claimed by Persimmon (at 31%) significantly exceeds this fair share. In the absence of agreement between the parties, and in the absence of a clear rationale why Persimmon might be entitled to deprive Middlesbrough Council and/or Taylor Wimpey of their fair shares, Nunthorpe Parish Council maintains that the application to construct 77 houses should be rejected. Even starting from the most favourable base of 63 houses (25%), it would seem very difficult to justify authorisation of an allocation as high as the 70-house (28%) mid-point between the high-end 63-house (25%) calculation of land share and the 77-house (31%)

entitlement currently claimed by Persimmon. Therefore, without a reduction in the 31% share asserted by Persimmon, Nunthorpe Parish Council argues that the proposed density remains excessive, and non-compliant with the Housing Local Plan and related Policies.

- Overall impact of the Nunthorpe Grange site cannot be assessed as it remains a matter for consultation between all parties. Therefore s106 requirements cannot be accurately calculated at this stage.
- No right for pedestrians and cyclists to pass between the site and Nunthorpe Gardens. No evidence that the footpath and Cycle link to Nunthorpe gardens can be achieved.
- Park and ride or East Middlesbrough Link have not come forward and therefore development is premature and in conflict with local plan.

Nunthorpe Parish Council urges the Planning Committee to reject this application as non-compliant, having regard to the provisions of the Middlesbrough Housing Local Plan 2014 and the National Planning Policy Framework.

Following re-consultation Nunthorpe Parish Council submitted further comments relating to the reduced scheme for 69 dwellings. These are set out below.

Many Nunthorpe residents feel strongly that there should be no houses built at Nunthorpe Grange. However, the reality is that Middlesbrough Council has formally established a planning framework which authorises construction of houses at Nunthorpe Grange. This is documented in the Middlesbrough Housing Local Plan. Therefore, although the Nunthorpe community may wish that this is not the case, the national planning framework is applicable, and there is clear legal authority for house-building at Nunthorpe Grange.

On the other hand, the same authoritative framework which sanctions some house-building at Nunthorpe Grange also explicitly limits house-building at Nunthorpe Grange to the density obtained by constructing no more than 250 predominantly 3 / 4 bedroom dwellings. As Persimmon's land share is between 21% and 25%, it follows that the maximum number permitted for Persimmon should be 63 houses.

Although this issue could be relatively easily resolved by a reduction from 69 dwellings (which would incidentally also provide relief for the residents of Nunthorpe Gardens most immediately impacted at the "sensitive boundary" with the new estate), Nunthorpe Parish Council also draws attention to three significant planning challenges which must be addressed - even if the total number of dwellings is reduced.

Unless there is documentation not yet disclosed to the Parish Council, it would appear that the application is premature because three matters remain unresolved:

- It is difficult to understand how a rational agreement about an appropriate Section 106 contribution could be reached between Persimmon and Planning Officers in isolation, before identification of the overall community impact of the new Masterplan for Nunthorpe Grange.
- It is difficult to understand how a Travel Plan could be approved before resolution of the legal issues about access by residents of the new dwellings through Nunthorpe Gardens.
- It is difficult to understand how construction of housing could be shown to be compatible with the Housing Local Plan without evidence of joint commitment - by Middlesbrough Council, Redcar & Cleveland Council and Network Rail - to establish a Park and Ride adjacent to Nunthorpe Grange.

Councillor Meika Smiles

Sadly this is yet another attempt by Persimmon to 'get things right' on its proposal for this area of Nunthorpe. Again, it's slightly reduced the number of houses but the same challenges remain.

I have objected on this development previously and my arguments against such a development still hold true.

As a community we are overstretched and lack the infrastructure we require. Our roads are already under strain and although pre-owned homes sell well in this area, sales of new executive homes are slow. This is exemplified by the Bellway development near to this proposed estate.

It is still marooned from the rest of Nunthorpe with just one vehicular access straight off a bypass. It's cut off from the rest of the community.

The density of housing is too high and doesn't fit in with the adopted Nunthorpe Design Statement.

I'm opposed to future development of Nunthorpe Grange. But if development must go ahead this proposal needs to tie in with a wider vision that works for Nunthorpe residents.

Councillor Jon Rathmell

The grounds of objections are:

- The amount of extra traffic generated to add the current chronic road system congestion. There is a distinct enhanced problem of highway safety and omissions to address or improve this.
- The extra traffic & subsequent construction of this development over the year will greatly increase noise levels for local residents.
- The layout & density of the building do not fit in with the existing dwellings in the immediate area and has not changed significantly from previous applications.
- The design & appearance of the material used must be similar to surrounding houses
- From a nature conservation viewpoint our native species of country birds, foxes & other mammals are at serious risks. This include nesting tawny owls, numerous birds adjacent to the site.

This development will increase traffic on to the A1403 at a point of relatively low visibility from vehicles approaching via the railway bridge section of the road, posing a risk to road users.

This development is not in keeping with the Mayors vision to enhance local spaces and communities, this development has no consideration for recent developments in Nunthorpe such as David Wilson Homes, and the need for lots of mitigating planting of trees/shrubs and inclusion of green spaces. The proposed properties would see the loss of green barriers and wildlife corridors essential to the character of Nunthorpe and the thriving local wildlife.

The property designs are targeted at a market who don't have a reliance upon public transportation because of their location and the already lack of availability of public transportation in Nunthorpe, therefore attracting multiple vehicle occupancy homes with no mitigation against this in real terms by the developer. These vehicles will feed directly in to the already congested Swans Corner and Dixon's Bank which has recently undergone some remodelling but with little to no benefits.

The design and character of the plans don't offer suitable options to meet housing demand such as affordable, 50/50 shared ownership and/or social housing options on site neither does the development offer retirement/disabled occupancy properties such as bungalows therefore excluding individuals from consideration.

Nunthorpe has a diverse and wide community but also an ageing population due to the lack of diverse housing stocks. We have young families and individuals with disabilities who aren't able to settle in Nunthorpe due to the lack of available affordable housing and the lack of design options such as bungalows.

Finally, it is obvious to all that Persimmon as a developer is only interested in extracting the maximum revenue to call it Nunthorpe Grange if this and others go ahead it should've called in this area the Nunthorpe Estate.

Public Responses

Number of original neighbour consultations	130
Total numbers of comments received	33
Total number of objections	33
Total number of support	0
Total number of representations	0

Site notice posted –
12th November 2020

PLANNING CONSIDERATION AND ASSESSMENT

1. A number of the comments raised are not material planning considerations and therefore cannot be considered as part of the analysis of this application. They include but are not limited to, `comments relating to covenants, loss of view and should be building on brownfield sites.
2. There are also a number of the comments raised that relate to a Nunthorpe Vision. This is not being carried out by the Local Planning Authority and is wholly separate to the consideration of this planning application. It is not adopted or emerging planning policy or guidance and as a result it bears no weight in the decision making process for this application.
3. During the application process revised details were submitted reducing the number of dwellings proposed from 77 to 69 and making changes to the housetypes and layout including the removal of parking courts. The revised details are the subject of this report.
4. The previous application at this site was refused by the Local Planning Authority and was later dismissed at appeal.
5. The appeal was dismissed as a result of a number of areas where the previous application failed to meet the requirements of local/national policy including Nunthorpe Grange Design Code. The current application seeks to address the areas where the previous application failed. The issues highlighted in the appeal decision are:

- The layout of the northeast corner of the site was not acceptable as the previous layout was dominated by detached and terraced dwellings rather than detached dwellings. This part of the site would be much more intensively developed than what is envisaged by the design code and would subsequently fail to respond positively to existing local character and identity;
 - The extensive use of parking courts would increase both the actual and perceived risk of crime to the detriment of future occupiers; and,
 - The car parking that would dominate the front of the dwellings towards the southern end of the site would be to the detriment of the appearance of the scheme.
6. The appeal was dismissed as a result of these matters alone, the rest of the development was considered to be in line with local and national policies and the Nunthorpe Grange Design Code. Whilst this report discusses all aspects of the development there have been no changes in local or national planning policy which would warrant a refusal of the application in relation to areas that the Inspectorate has already considered to be acceptable. As a result the main focus of the decision making in relation to this application is on the areas detailed above in paragraph 5, and new matters that have emerged since the appeal decision such as nutrient neutrality.

Principle of Development

7. Under the adopted 2014 Housing Local Plan the applicant's site forms part of the wider allocated housing policy H29 - Land at Nunthorpe, South of Guisborough Road. The entire site (including the applicant's land) comprises 26.5 hectares (gross), is currently in three separate ownerships. Adopted Housing Local Plan policy H29 states that the site is allocated for a maximum of 250 high quality, high value, low density, predominantly three and four bedroom detached and semi-detached dwellings, with open space and wildlife habitat areas, and associated access arrangements.
8. The houses proposed are a mix of three, four and five bed properties the majority of which are detached with three pairs of semi-detached properties. The majority of the proposed dwellings are large properties in large plots with some smaller properties in much smaller plots. Policy H29 states that the dwellings should be predominantly three and four bed semi-detached and detached dwellings. This does allow for some smaller or larger properties. The proposed scheme includes 4 three-bed, 29 four-bed and 36 five-bed. The inclusion of five bed properties is in accordance with the requirements of policy H29 which allows for some smaller or larger properties. The larger properties help to reduce the overall density of the development. Whilst the inclusion of larger dwellings is considered acceptable the development should still seek to meet the requirements of the adopted design code for the site and be of high quality.
9. The entire site, (i.e. the three sites combined) is recognised as one of the premier housing locations within the borough, and offers a real opportunity to achieve a high quality residential scheme. In achieving such a high quality development across the entire site, the Council's Housing Local Plan strategic aspirations for growth in the town and provision of high end housing products, in order to attract and retain aspirational families, would be significantly advanced.

10. Policy H29 states that this development will not be brought forward until an agreement on the provision of a park and ride facility has been secured or the Longland/Ladgate link road has been secured. Whilst there has been no movement on the link road the park and ride facility is likely to be located within the boundaries of Redcar and Cleveland and will be accessed via a roundabout on the bypass within Middlesbrough which has already received approval. Whilst full agreement on the provision of the park and ride facility has not been secured this application represents only one element of the wider Nunthorpe Grange site. The development has been assessed by the Local Highway Authority in terms of highway safety and capacity and no objections have been raised on this basis. Whilst this element of policy H29 has not been met we are duty bound to consider the application submitted and consider that the lack of a full agreement in relation to the park and ride is not justification on its own to refuse the application.
11. In addition to Policy H29, the adopted Nunthorpe Grange Design Code provides more detailed guidelines on the key layout principles, types of housing, landscaping and the quality of development that the Council is seeking in the development of Nunthorpe Grange. The design code refers to a maximum number of 350 dwellings across the entire site. When considering the previous appeal at this site the Planning Inspector confirmed that the adopted design code is a material consideration and afforded it significant weight given the promotion of design codes within the National Design Guide as a means of achieving the important goal of well-designed places. The planning inspector also considered policy H29 to be partly out of date where it states a maximum of 250 dwellings across the wider site. However, they considered that the conflict should be given limited weight, given that the design code suggests the site could accommodate more dwellings. As a result of the Inspectors comments it is clear that planning policy cannot restrict the number of dwellings on the wider site to 250. The number of acceptable dwellings on the site is determined by compliance with the design standards as set out in the design code.
12. The design code in this instance identifies that the type housing located on the northern edge of the site with the railway to the rear and facing onto the proposed Wildlife Habitat Area should be of the lowest density of the entire development, below 18 homes per hectare, with large homes on generous plots. This low density type of housing also ties in with the adjoining low density Nunthorpe Gardens development, and would assist in minimising traffic movement around the Wildlife Habitat Area.
13. Policy H12 requires 15% of dwellings to be affordable provided as 5% on site and a 10% off-site contribution. Policy H12 allows variations in the proportion of on/off-site provision where it can be demonstrated that this would better contribute to the creation of mixed and balanced communities through the diversification of housing tenure.
14. Policy CS4 requires that all development contributes to sustainable development. This includes the incorporation of SUDS in new developments. Policy MWC1 requires that new-build developments contribute to the efficient use of resources, to increase the proportion of construction and demolition waste recycled. Policy CS5 requires all development proposals to demonstrate high quality design. Section 2 of the Urban Design SPD provides further guidance on residential development.
15. Policy CS17 requires development to be located where it will not have a detrimental impact on the operation of the strategic transport network. Policy CS18 requires that the amount of private car parking is restricted in accordance with the Tees Valley

Design Guide and Specification. Policy CS19 advises that new development should include a package of measures to discourage car use and encourage sustainable transport choices.

16. The principle of residential development on this site accords with the Development Plan Policies. It is acknowledged that the applicant has reduced the number of dwellings from a previously proposed 97 units (Ref: 18/0786/FUL) to 69 units under this proposal. As a consequence, the applicant has been able to make significant layout improvements to the scheme. Consideration should therefore be given, as to whether the proposal now sufficiently meets the design principles as set-out in the Nunthorpe Grange Design Code development guidance document.

Highways Impact

17. In traffic generation terms the previously refused application (18/0786/FUL) was assessed within the authorities strategic (Aimsun) highway model to understand the implications of access arrangements and the traffic generated by 107 dwellings. Following the Aimsun work being undertaken the number of units proposed on the site was reduced to 97 dwellings.
18. The application now being considered has again further reduced the number of units to 69. As further Aimsun modelling has not been undertaken to support the current application the impact as set out below is overly robust and based upon the impact of 107 units not the 69 now proposed.
19. With the reduction in dwellings proposed the development is now anticipated to generate in the region of 53 two-way movements during the peak periods. This represents a reduction of 30 trips over that considered and assessed within the Aimsun work associated with the previous application.
20. No highways objections to traffic generation were raised to the greater number of trips and this element did not form part of the refusal. As such it is not considered that traffic/highways grounds could be sustained as an objection or refusal.
21. In summary the Aimsun report for the greater quantum of development stated that over the model area development traffic is demonstrated to not lead to a material impact. In the interests of robustness and to assess localised impact at junctions further detailed work was undertaken to understand the potential impact of development traffic in terms of junction capacity, queue lengths and vehicle speeds.
22. A threshold was set based upon the percentage impact that development traffic could have, which identified the junctions that needed looking at in greater detail.
23. Much of the impact was, as would be expected, along the Dixons Bank corridor. In summary due to increases in mainline traffic, vehicles turning into/out of side junctions will experience some increase in delay which arose due to their being fewer gaps in the mainline flow. It should be noted that the increase in delay that these vehicles will experience is only on certain movements and is not at a threshold which could be considered severe. The affected junctions will continue to operate without significant levels of queuing.
24. The other area where an impact could be seen is at the junction of Stainton Way/Dixons Bank. During the peak periods an increase in queuing can be seen. This

increase in queuing occurs on the Stainton Way (West) arm of the junction. Interpretation of the model suggests that this impact is associated with an increase in the number of vehicles turning right from Stainton Way onto A172 Dixons Bank. As such, vehicles intending to turn right queue in the outside lane of Stainton Way, and, as such increase delay of vehicles travelling ahead or turning left.

25. It should be noted that in the 2025 scenario some queuing is already predicted to occur, without the impact of development traffic and therefore we must consider the impact of additional vehicles to the rear of an existing queue. When looking at other evidence from the model, including vehicle speeds, flow and delay the potential additional impact is not significant and is within the realms of day to day fluctuations in traffic and queuing that is experienced by motorists.
26. Overall the model output report demonstrates that the proposed development will not have a material impact on the operation of the surrounding highway network nor can be classed as severe, which is the benchmark set out in the NPPF against which proposals are assessed.

Access

27. Through the adopted Local Plan Nunthorpe Grange is an allocated housing site. As part of its status there exists both planning policies covering matters such as access and in addition there is a design code covering the allocation.
28. Policy (H29) states that access should be taken from the A1043 and this is further supported and detailed within the adopted Nunthorpe Grange Design Code which identifies a roundabout onto the A1043 and development areas being served from an internal highway layout.
29. Access onto the A1043 has been secured through planning consent 18/0757/FUL in the form of a 4 arm roundabout. As part of the determination of this application all issues were considered including the potential impact on traffic flows on the A1043 or any safety concerns. It was established that the roundabout would not have an impact in terms of either road safety or free flow of traffic.
30. As currently presented access to the site is via a priority T junction with right turn ghost island approximately 220m East of the approved roundabout. It is intended that the junction is temporary (if constructed at all) with access proposed to be taken via the approved A1043 roundabout. As can be seen on the proposed site plans the junction has an alternate design once removed that creates a ped/cycle link which will enable future connection to planned sustainable links being proposed by Redcar and Cleveland.
31. Officers have been working closely with developers to ensure that all access to the Nunthorpe Grange allocation is as per the policy and Design Code. This collaborative working has resulted in the supporting application 21/1145/FUL being submitted for the internal highway layout which will connect the Persimmon scheme to the approved A1043 roundabout. This supporting application has been considered and approved subject to necessary conditions. As a result the access roundabout and internal highway link which will provide permanent access to this application site both have consent.

32. The developer has advised that the direct access onto the A1043 is only ever intended to be temporary and that they are happy for this principle to be secured through either planning condition or legal mechanism such as a S106 Agreement.
33. In order to test the worst case scenario the application has been supported with a Road Safety Audit and Transport Assessment, which have demonstrated that the roundabout and ghost island junction access can operate together without affecting the free flow of traffic nor highway safety. Members should therefore be aware that should the applicants therefore seek to vary/remove the planning condition or S106 that there would be no highway grounds to resist this as in technical terms the two junctions can exist together, however this would be against the relevant planning policies and guidance (H29 and the Nunthorpe Grange Design Code).

Sustainability

34. When assessing the development proposals in isolation i.e a stand-alone consent there are no available ped/cycle connections into the wider area.
35. Development proposals include a pedestrian link to the North of the site into Nunthorpe Gardens which would provide access to local facilities and public transport within nationally recommended walking distances. However the land over which this link would cross is outside of the Red line planning boundary, is not publicly maintainable highway and is outside of the ownership/control of the applicant. The applicant has confirmed that a ransom strip exists.
36. Without the footpath link to Nunthorpe Gardens the distance to local facilities and services is in the region of 1.5km. This distance is outside of national guidance covering acceptable and desirable walking/cycling distances to such facilities. In addition to the issue of the distance, no infrastructure exists to provide an alternate route. The alternate route would involve walking/cycling on the grass verge alongside the A1043, which is unlit and subject to a 60mph speed limit. This route is not attractive to pedestrians/cyclists for a number of reasons including the lack of surfaced route, lack of lighting, speed/volume of traffic and presents itself as a hostile environment.
37. In terms of public transport accessibility, residents will not be able to walk to bus stops for the reasons set out above.
38. Without the link to Nunthorpe Gardens the site is not considered to be sustainable and residents would therefore be forced into a reliance on the private car to access local facilities and day to day services. This is contrary to local and national transportation and planning policies including the NPPF and Local Policies CS4(g) and CS17.
39. The position of the applicant is that they are in negotiations to enable the footpath link to be provided and that it could be covered by a suitably worded Grampian condition, a view which has been supported by planning colleagues.
40. In exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate, where there is clear evidence that the delivery of the development would otherwise be at serious risk.

41. Where consideration is given to using a negatively worded condition of this sort, it is important that the local planning authority discusses with the applicant before planning permission is granted the need for a planning obligation or other agreement and the appropriateness of using a condition. In this instance the applicant has confirmed that they understand the need for the connection and are in agreement to the use and appropriateness of a negatively worded condition in this instance requiring the connection issues to be resolved prior to the commencement of development on site.
42. As such it is considered that sufficient control exists to ensure that development can only proceed with the provision of this link. Should the link not be provided the development could not proceed, alternatively should the applicant seek to vary/remove the condition then the recommendation would be to refuse as the link is essential to the delivery of the site.
43. In response to comments from Redcar and Cleveland to the South of the site the proposed temporary access has been designed in such a way that once it is removed it will become a ped/cycle route which will facilitate access into the wider area and connect into other routes across the Nunthorpe Grange allocation which will be brought forward by other development proposals in a managed way using the approved Nunthorpe Grange Design Code.
44. Given the status of the current application and lack of definitive funding/plans for wider ped/cycle facilities it would not be reasonable/appropriate to seek funding. Bringing forward physical works before the wider route was committed/confirmed could also lead to a dangerous situation with peds/cyclists being directed to the A1043 without safe and appropriate infrastructure to cross and without the route leading anywhere. Discussions have been held with regards to this with Simon Houldsworth with the approach that the proposed development cannot provide off-site funding/works to RCBC suggested schemes but that the internal layout will be designed to facilitate these works by others.

Flood Risk

45. The application has been considered by the Environment Agency, Northumbrian Water and the Local Flood Authority. Whilst the EA initially objected to the development on the basis that the plans within the Flood Risk Assessment did not include the most up to date scheme, a revised FRA has been received and the EA have removed their objection. The proposed houses are located outside flood zones 2 and 3. The proposed pond, underwater tanks and pumping station detailed within the drainage scheme will be designed to hold and manage surface water drainage on the site to mitigate flooding issues with the proposed dwellings and the surrounding existing dwellings. Should this application be approved full details of the drainage scheme including its management and maintenance, will be required by condition.
46. The development is considered to be in accordance with the requirements of Policies DC1 and CS4.

Ecology/Landscaping

47. The application site comprises primarily agricultural field, residential garden and buildings, ponds, boundary ditch and hedges/trees. The agricultural grassland is not

of any notable ecological value. The surrounding hedges and trees are of ecological importance as do the ponds on the site.

48. The site has been assessed in relation to a number of different species including bats, birds, badger and great crested newts with specific assessments taking place in relation to newts and bats. The presence of great crested newts were found within one of the ponds on the site. The landscape scheme proposed includes the retention of the ponds on the site and the creation of a large pond. It provides opportunities for the ponds to be correctly managed and maintained to benefit the newts and provide them with an enhanced environment including terrestrial habitats suitable for foraging, sheltering and hibernation activities. The Environment Agency considered the mitigation in relation to Great Crested Newts to be adequate. The further bat survey found no evidence of bats roosting within the buildings on the site.
49. The ecology assessments detail a number of recommendations to mitigate against harm to ecology and to provide enhanced opportunities for ecology on the site. These include bird boxes; bat bricks; log piles; hibernacula; insect boxes; hedgehog gaps in boundary fences and hedgehog houses; and hedges, tree and scrub planting. The development also includes a new wildlife pond which will be planted with native species and additional planting will be placed around the existing pond.
50. The area of land within flood zones 2 and 3 will include enhancements to the existing ponds, the creation of a large pond and a landscaping scheme that will enhance the opportunities for ecology on the site and provide an attractive area for residents to use for both relaxation and exercise. It includes a number of footpath links through the landscape setting connecting to the wider Nunthorpe Grange site and the northwest and southeast of the site.
51. If approved a condition is required to ensure the necessary mitigation is carried out as part of the development including any further assessments required.
52. It is considered that the development will significantly enhance the ecological potential of the site and have a positive impact delivering net gain in respect of biodiversity in accordance with the requirements of Local Plan Policy CS4 and the NPPF.

Amenity

53. The only existing dwellings which are immediately adjacent to the application site are those on Nunthorpe Gardens. The proposed layout ensures that the principle elevations of proposed dwellings adjacent to Nunthorpe Gardens do not look towards the existing dwellings to the northwest. There are some windows located on the elevation which faces Nunthorpe Gardens, these serve a kitchen and utility window on the ground floor, and are separated from the existing dwellings by a boundary treatment. At first floor level two windows serve a bathroom and an en-suite, these windows will be opaque glazed. As a result the development does not impact on the existing residential dwellings in terms of privacy.
54. Residents at 18 Nunthorpe Gardens has raised concerns relating to overshadowing and loss of light to their property. The closest house to their property is located to the southeast. The proposed dwelling is a distance of approximately 2.5m to the land ownership boundary of no. 18, approximately 4m to the existing fence at no. 18 and approximately 5.3m to the side elevation of the conservatory and 9.5m to the original

side elevation of no. 18. Although the proposed house will have some impact on light due to its location to the southeast of the existing house the separation distance reduces the impact on light and it is not considered to be significant. Any impact falls on the garden, original side elevation and conservatory which was an extension to the side of the house. The primary windows at no. 18 are located to the front and the rear of the house taking light and views over their own property. The conservatory has been constructed at the side of the house borrowing light and views over land outside their ownership. Light to both the garden and conservatory are not protected under planning policy. As a result the impact on light to the existing property is not significant and does not warrant the refusal of this application.

55. The dwelling proposed adjacent to no. 18 Nunthorpe Gardens is 8m in height dropping down to 6.5m. This is a standard height for a two-storey property and is not considered to be excessive. The large separation distance to no. 18, which is in keeping with existing separation distances at Nunthorpe Gardens, and the location of the proposed house to the side of no. 18, ensures that the proposed dwelling will not be a dominating structure when viewed from no. 18.
56. A number of objections have been received from residents in the area particularly those on Nunthorpe Gardens who do not want increased pedestrian/cycle traffic going through their estate which is currently a quiet cul-de-sac, which they believe could result in loss of privacy and increased anti-social behaviour. Whilst their concerns are noted and any connection to the existing estate will result in increased footfall, the connections will be made to existing public highways and therefore there will be no impact on privacy in terms of reducing existing distances between dwellings and the public highway. Nor can a planning application be determined on the assumption that anti-social behaviour will occur.
57. Within the development itself the majority of the properties meet or exceed the recommended separation distances set out in the Local Plan guidance documents (Urban Design SPD), none of the separation distances are so short of the guidance that they would have a significant detrimental impact on the privacy of the future residents or on the design objectives set out in the design code.
58. Environmental Health have considered the application in relation to noise from the highway, noise and vibration from the railway line, air quality and site contamination. An air quality assessment has been submitted, It concludes that mitigation with respect to air quality, is not required as the impact associated with development traffic is assessed as being negligible and 'not significant'.
59. A noise attenuation barrier is required between the bypass and the proposed dwellings to mitigate against the noise from the adjacent road traffic. The noise assessment concludes that this could be in the form of a fence or a mound. The submitted boundary treatment states a 4m fence will be erected. There is a significant change in ground levels from the site and the the A1043 (Nunthorpe Bypass) which is significantly higher for the majority of the boundary with the site and is screen by existing trees/foilage. As a result the noise attenuation fence will not be significantly visible from the bypass as it will sit lower than the level of the road and trees. Within the development itself the fence is located at the end of rear gardens and therefore will not be overly visible this ensures it will not detract from the visual amenity of the area. It will also be set away from the dwellings and will not result in any harm to the amenity of the residents. Where the ground levels of the road are

similar to those within the site, the dwellings are set away from the road and a noise attenuation fence is not required.

60. Environmental Health have confirmed that they have no objections to the development subject to a condition to ensure the development is carried out in accordance with the noise assessment and in relation to site contamination.
61. When considering the amenity of future residents and the quality of the housing proposed the dwellings are assessed against national space standards. Middlesbrough Council do not currently have a specific policy requiring dwellings to meet the space standards for new dwellings. Space standards are used as a method to assess the overall quality of the development. All of the proposed dwellings meet or exceed national space standards and therefore provide a good level of internal space.
62. It is considered that the proposed development is in accordance with the requirements of policy DC1 in relation to the amenities of existing and future residents.

Design/Layout/Streetscene

63. The development includes 11 no. housetypes (with some corner turner variations) which have been designed with a contemporary finish using a mix of materials to enhance their appearance and the streetscene. The dwellings include a variety of two and three storey properties with contemporary bay windows, dormer windows, varying roof heights and gable features. Some housetypes include Juliet balconies and floor to ceiling windows which are in line with the design code.
64. The layout has been designed so that properties front on to open spaces within the site including the large landscaped area located in the flood zone and the green pedestrian link to south which will connect into the wider site. Where properties do not front the open space in the southern area they are located adjacent to developable space on the wider site. In this area the dwellings are orientated, and the road located, so that they can connect to the wider site at a later date.
65. The design guide sets out a figure of 20 dwellings per hectare for development areas across the wider site but specifically states that the zone F which part of this application falls within, should have a lower density (below 18 dwellings per hectare) than the rest of the site, in part due to the flood zones within the site and the opportunity this presents in terms of providing a high quality landscaped area, and due to its position adjacent to Nunthorpe Gardens which has a lower density of approximately 11 dwellings per hectare. Zone F of the proposed development has a density of 17 dwellings per hectare, in accordance with the requirements of the design code. The rest of the site has a density of approximately 21 dwellings per hectare. Whilst this is marginally over the figure set out in the design code it is considered acceptable in this instance due to the developments wider compliance of the design code in relation to the landscape setting, parking provision, housetypes and the high quality of the layout.
66. In the planning inspectors appeal decision it stated that "the northernmost section of the site adjacent to Nunthorpe Gardens was broadly reflective of the design code are F, incorporating reasonably well spaced detached properties reflective of the nearby established dwellings. However, to the east of this area, the development would be

much more intense. Detached houses would be significantly outnumbered by semi-detached and terraced dwellings placed closely together. Hence, this part of the appeal site would be much more intensively development than what is envisaged by the NGDC and would subsequently fail to respond positively to existing local character and identity.”

67. The current application has removed the areas of high density development removing terrace rows and semi-detached dwellings, replacing them with large detached dwellings in large plots that reflect the northernmost part of the site referred to by the inspector which has not significantly changed. As a result, in accordance with the inspector’s views, the development is now considered to be in accordance with the requirements of the design code in this regard.
68. The majority of properties on the site have parking located to the side of dwellings leading to detached garages towards the rear of the houses in accordance with the design code. Approximately 34% of dwellings have parking located at the front of the site with integral garages. None of the properties that have parking located at the front have a driveway with a width that is greater than 50% of the property boundary. All parking courts proposed previously have been removed. The proposed parking ensures that the development is dominated by landscaped front gardens rather than hardstanding and is in accordance with the requirements of the design code.
69. A number of visitor parking spaces have been located through the site. A comment was received relating to the lack of parking for people using the open space at the site. It is intended that the open space will be used by persons living at the site and the wider Nunthorpe Grange site, and the existing residential areas to the northwest of the site as a convenient local space that residents can walk to. Placing any large amounts of parking at the site will detract from the open space and would encourage people to travel to the site by car. This is in conflict with the aspirations of the relevant policies and the design code and is therefore not required.
70. Plot 46 is located at the point where the development meets existing dwellings, it is set forward of the properties on Nunthorpe Gardens however the step forward is in keeping with the existing steps in building lines in this section of Nunthorpe Gardens. The dwelling has been positioned so that it is set to the side of the proposed road and the existing road at Nunthorpe Grange. This allows for clear open views along both roads into the neighbour estate and ensures the dwelling does not dominate the streetview from either road. The location of the dwelling at plot 46 also allows for an attractive landscaped pedestrian/cycle link to Nunthorpe Gardens.
71. The ground level at the site where it is adjacent to existing residents at Nunthorpe Gardens will remain largely unchanged. The levels drop lower towards the centre of the site within the wetland area which is a flood zone. No dwellings are proposed in this location and the wetland area will be enhanced with landscaping. The levels then increase towards to southeast boundaries of the site and the the A1043 (Nunthorpe Bypass) which is located higher than the site in the most part. The proposed development does not seek to significantly alter the ground levels throughout the site.
72. It is the planning view that the proposed development provides a high quality development with large contemporary homes in an attractive landscaped setting which will result in an attractive streetscene with good levels of natural surveillance in accordance with the principles of secured by design and is sympathetic to the local

character of the surrounding area. The development is considered to be in accordance with the requirements of policies DC1, CS5 and H29 of the Local Plan, the Design Code and paragraph 127 of the NPPF.

Community Facilities/Education

73. Policy H29 states that off-site improvements to school provision to accommodate educational needs of future residents is required. Education have been consulted during the application process to consider the implications of the development on the local schools. No request has been made for a financial contribution towards new facilities or improvements to the local schools.
74. Should this application be approved s106 contributions will be required for offsite affordable housing, the provision of new community facilities and strategic highway works. The s106 will also require the developer to provide the first occupiers of each dwelling with a sustainable travel voucher for the provision of bicycles, bicycle accessories or a bus/rail pass to promote sustainable travel.

Nutrient Neutrality

75. 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.
76. 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.
77. 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.

78. 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 and the details were sent to the agent to advise them of the total annual nitrogen load the development must mitigate against.
79. The applicant has provided details of off site mitigation in this regard. A field which is currently farmed within the catchment area will be left to lie fallow reducing the levels of nitrate. The size of the field is suitable to provide the necessary levels of mitigation required by the development. This will be controlled through the s106 agreement.

Conclusion

80. The principle of residential development is acceptable on this site. It is also acceptable for an element of the proposed dwellings to be five bedroom properties particularly in this section of the site which is required to be of a lower density to the wider site.
81. There are no technical objections to the development, the development is considered to be acceptable in terms of flood risk, highway safety and capacity. Issues relating to the temporary nature of the access from the A1043 and the pedestrian/cycle connection to Nunthorpe Gardens can be controlled by condition and s106 agreement.
82. The density across the site is in accordance with the design code. The development provides a high quality development with large contemporary homes in an attractive landscaped setting which will result in an attractive streetscene with good levels of natural surveillance in accordance with the principles of secured by design and is sympathetic to the local character of the surrounding area.
83. The development will not have a significant impact on existing properties and provides high levels of amenity for future residents.
84. The landscaping and ecological mitigation and enhancements will increase opportunities for biodiversity on the site and will result in an attractive landscaped setting.
85. The development is considered to be in accordance with policies DC1, CS4, CS5 and H29 of the Local Plan, the design code and paragraph 127 of the NPPF.

RECOMMENDATIONS AND CONDITIONS

APPROVE SUBJECT TO 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:

- a) Location Plan, drawing no. NUN-GBR-000 rev. A;
- b) Site Layout, Drawing no. NUN-GBR-001 rev. V;
- c) Plans and Elevations – Contemp, Charnwood Corner, drawing no. CWC-WD-07, rev G;
- d) Plans and Elevations – Contemp, Brightstone, drawing no. BS-WD-07, rev. C;
- e) Plans and Elevations Contemp, Whinfell, drawing no. WF-WD-07, rev. C;
- f) Plans and Elevations Contemp, Greenwood, drawing no. GW-WD-07, rev. E;
- g) Plans and Elevations – Contemp, Whiteleaf – Corner Bay, drawing no. WL-CB-WD-07, rev. E;
- h) Plans and Elevations – Contemp, Whiteleaf – Front Bay, drawing no. WL-FB-WD-07, rev. E;
- i) Plans and Elevations – Contemp, Bond, drawing no. BD-WD-07 rev. R;
- j) Plans and Elevations – Contemp, Compton, drawing no. CM-WD-07 rev. Q;
- k) Plans and Elevations – Contemp, Holborn, drawing no. HB-WD-07 rev. P;
- l) Plans and Elevations – Contemp, Harley, drawing no. HY-WD-07 rev. S;
- m) Plans and Elevations – Contemp, Marlborough, drawing no. MB-WD-07 rev. L;
- n) Plans and Elevations – Contemp, Oxford, drawing no. OX-WD-07 rev. R;
- o) Single Garage Store – Plans and Elevations, drawing no. SGD-06;
- p) Single/Double Garage – Plans and Elevations, drawing no. SGD-01, rev. B;
- q) Materials Layout, drawing no. NUN-GBR-002 rev. H;
- r) Boundary Treatment Layout, drawing no. NUN-GBR-004 rev. F;
- s) Public Right of Way Plan, drawing no. NUN-GBR-014 rev. F;
- t) Archaeological desk-based Assessment, report no. 4876, dated October 2018;
- u) Geophysical Survey, report no. 5092, dated June 2019;
- v) Drainage Statement, reference no. 18134.200/DS/1 version 8;
- w) Flood Risk Assessment, reference no. 18134.100/FRA/1 version 6 dated November 2018, received 26th July 2022;
- x) Proposed Drainage Schematic, drawing no. 18134 D001 rev. 7;
- y) Flood Exceedance Plan, drawing no. 18134-D900 rev. 2;
- z) Pumping Station Details, drawing no. 18134-D901 rev. 1;
- aa) Nunthorpe – SuDS Statement, by RWO Associates, received 19th November 2021;
- bb) Landscape Masterplan, drawing no. JBA 20/084/SK01 rev. C;
- cc) Preliminary Ecological Appraisal, reference no. 101.53 rev. 01, dated October 2018;
- dd) Bat and Great Crested Newt eDNA Survey, reference no. 101.53 rev. 01, dated July 2019;
- ee) Quants Environmental Letter dated 8th June 2020 re. Great Crested Newt Survey;
- ff) Additional Information – GCN, reference no. 101.53 dated 12th March 2021;
- gg) Great Crested Newt Survey Report, reference no. 101.53 rev. 01, dated July 2021;
- hh) Ecology Masterplan, reference no. 101.53 rev. 01 dated November 2021;
- ii) Close Coupled Substation, Front Gabled Roof Detail, General Arrangement, drawing no. GTC-E-SS-0011_R1-8_1_of_1;
- jj) Framework Travel Plan, reference no. 18-174 N, rev. A June 2020;

- kk) Transport Assessment, reference no. 18-174-N, rev. A June 2020;
- ll) Stage 1 Road Safety Audit, issue 2, rev. A, dated 1st May 2020;
- mm) Aimsun Modelling Report, version 1.0, dated 19th May 2020;
- nn) Site Sections, drawing no. NUN-GBR-SEC-001, rev. A;
- oo) Jakoustic Commercial and Highway Barrier System details, received on 27th July 2022;
- pp) Assessment of Noise and Vibration Levels and Noise Amelioration Measures, Report no. LAE1045.1, dated 8th July 2020; and,
- qq) LA Environmental Letter, reference no. PHT/NG/001, dated 26th July 2021.

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

3. Materials - Samples

Notwithstanding the details set out in the approved drawing Materials Layout, drawing no. NUN-GBR-002 rev. H. Prior to the construction of the external elevations of the building(s) hereby approved samples of the external finishing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

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

4. PD Rights Removed Replacement External Finishing Materials

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), Any replacement windows and doors must be carried out in accordance with the acceptable materials detailed within the approved Nunthorpe Grange Design Code adopted January 2019 in terms of colour and material (i.e. non-white UPVC; timber; or, aluminium for windows, and timber; aluminium and composite for doors). To ensure compliance with the approved Nunthorpe Grange Design Code in perpetuity.

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, the Nunthorpe Grange Design Code and section 12 of the NPPF.

5. 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.

6. 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.

7. PD Rights Removed Side/Front Extensions

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order), no alterations, enlargement or extension shall be made to the side or front external elevations 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 retain adequate in curtilage parking provision in the interests of amenity and highway safety and to protect the visual amenity of the area having regard for policies CS4, CS5, DC1 and sections 9 and 12 of the NPPF.

8. PD Rights Removed Conversion of Garages

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

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

9. PD Rights Removed Hardstanding

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

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

10. PD Rights Removed Access

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order

with or without modification), no vehicular or pedestrian access other than that shown on the approved plans, shall be formed on the site without planning permission being obtained from the Local Planning Authority.

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

11. Plot 46 Windows - Opaque

First floor windows on the northwest elevation of plot 46 hereby approved must be opaque glazed to a minimum of level 3. The opaque glazing must be implemented on installation and retained in perpetuity.

Reason: In the interests of the amenities of residents and to ensure a satisfactory form of development having regard for policy DC1 of the Local Plan.

12. Phasing Details Required

The development must be carried out in accordance with a phasing plan to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction (excluding site clearance). The phasing plan shall include the build route, creation and use of access points including roads, footpaths, cycle paths and bridleways

Reason: In the interests of highway safety and amenity of the area having regard for policy DC1 of the Local Plan.

13. 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.

14. Details of Roads, Footpaths and Open Spaces Required

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

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

15. 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) associated with that plot/use 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.

16. Off-Site Highway Works

The development hereby permitted shall not come into use until the highway works detailed below have been carried out on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

a) provision of a lit footway link of minimum width of 2m linking Nunthorpe Gardens to the internal site infrastructure.

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, CS4 and CS5 of the Local plan and sections 9 and 12 of the NPPF.

17. Connection to Nunthorpe Gardens

No development shall commence on site until it has been demonstrated that pedestrian access from the site to the existing highway network on Nunthorpe Gardens, for all persons, has been legally secured allowing for the physical construction of a pedestrian link.

Reason: In the interests of providing a safe means of sustainable pedestrian access to existing services and infrastructure having regard for policies DC1, CS4 and CS5 of the Local plan and sections 9 and 12 of the NPPF

18. Road Safety Audit

A full 4 stage road safety audit carried out in accordance with guidance set out in the DMRB GG119 and guidance issued by the council, will be required for the temporary site access junction and associated works as specified in submitted drawing(s) Site Layout, Drawing no. NUN-GBR-001 rev. V or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority. Stage 2 of said audit must be submitted to and confirmed in writing by the Local Planning Authority prior to works commencing on site.

Any remedial works required within the audit shall be implemented within 6 months following the remedial works being identified and agreed unless an alternative timescale is first agreed in writing with the Local Planning Authority.

Reason: To minimise the road safety risks associated with the changes imposed by the development having regard for policies DC1 and CS5 and sections 9 and 12 of the NPPF.

19. Method of Works Statement

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

- a) Routing of construction traffic, including signage where appropriate;
- b) Arrangements for site compound and contractor parking;
- c) Measures to prevent the egress of mud and other detritus onto the public highway;
- d) A jointly undertaken dilapidation survey of the adjacent highway;

- e) Program of works; and,
 - f) Details of any road/footpath closures as may be required.
- The development must be carried out in accordance with the approved details.

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

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

Notwithstanding the details in the approved Public Right of Way Plan, drawing no. NUN-GBR-014 rev. F. Within 6 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

Within 6 months of commencement of the development hereby approved, a draft Dedication Agreement for all new Public Rights of Way shall submitted to the Local Highway Authority.

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

21. Flood Risk Assessment

The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment, reference no. 18134.100/FRA/1 version 6 dated November 2018, received 26th July 2022 and the following mitigation measures detailed within the FRA;

- a) Finished floor levels shall be set no lower than 0.3 metres above Ordnance Datum (AOD);
- b) No buildings used for dwelling houses shall be in flood zones 2 or 3 as shown in appendix B;
- c) No loss of capacity of the floodplain – through any means including ground raising.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agree in writing by the local planning authority.

Reason; To reduce the risk of flooding to the proposed development and future occupants in accordance and to prevent flooding elsewhere by ensuring there is no loss of existing floodplain in accordance with paragraph 163 of the NPPF.

22. Surface Water Drainage Scheme

Prior to the commencement of the development on site a detailed surface water drainage scheme (design and strategy) shall be submitted to and approved in writing

by the Local Planning Authority. The scheme should be designed, following the principles as outlined in the Flood Risk Assessment, reference no. 18134.100/FRA/1 version 4 dated November 2018 and Drainage Statement, reference no. 18134.200/DS/1 version 8. The development shall be completed in accordance with the approved scheme.

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

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

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.

23. 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.

24. 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.

25. Foul Flows Discharge

The development hereby approved shall be implemented in line with the drainage scheme contained within the approved document Drainage Statement, reference no. 18134.200/DS/1 version 4. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 0805 and ensure that surface water discharges to the existing watercourse.

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.

26. Noise Assessment

The development hereby approved shall be carried out in accordance with the approved Assessment of Noise and Vibration Levels and Noise Amelioration Measures, Report no. LAE1045.1, dated 8th July 2020. Any deviations from the recommendations made in the report shall be submitted to the local planning authority for approval prior to the occupation/first use of the dwellings/buildings and will thereafter be implemented on site. Any mitigation works must be retained on site in an operational state for the lifetime of the building.

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

27. Noise Mitigation A1043 Site Boundary

Notwithstanding the details set out in Boundary Treatment Layout, drawing no. NUN-GBR-004 rev. E; Site Sections, drawing no. NUN-GBR-SEC-001, rev. A; and, Jakoustic Commercial and Highway Barrier System details, received on 27th July 2022. Prior to the erection of the noise attenuation fence full details of the design and appearance of the fence to be installed along the boundary with the A1043 must be submitted to and approved in writing. The mitigation must be suitable to achieve the necessary noise levels as set out in the approved Noise and Vibration Levels and Noise Amelioration Measures, Report no. LAE1045.1, dated 8th July 2020, but must also be high quality in terms of its visual appearance.

Reason: To ensure a satisfactory form of development in the interests of the

amenities of residents and the visual amenity of the area having regard for policies DC1, CS5 of the Local Plan and section 12 of the NPPF.

28. Contaminated Land Site Investigation

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

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

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

29. Waste Audit Required

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

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

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

30. Renewables or Fabric First Required

The dwellings/buildings hereby approved shall not be occupied until details of compliance with 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 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%.

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

31. Landscape Scheme

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

Details must include all services and physical entities that would impact on

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

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

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

32. Landscape Management Plan

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

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

33. Tree Protection and Works

Development within each phase shall not commence until:

- a) A plan showing the location of and allocating a reference number to each existing tree on the site which has a stem with a diameter measured over the bark at a point of 1.5m above ground level exceeding 75mm showing which trees are to be retained and the crown spread of each retained tree.
- b) Details of the species, diameter (measured in accordance with paragraph a) above and the approximate height and an assessment of the general state of health and stability of each retained tree and of each tree which is on land adjacent to the site and to which paragraph c) and d) below apply.
- c) Details of any proposed topping or lopping of any retained tree or of any tree on land adjacent to the site.
- d) Details of any proposed alteration in existing ground levels and of the position of any excavation within the crown spread of any retained tree or of any tree on land adjacent to the site equivalent to half the height of that tree.
- e) Details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

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.

34. 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.

35. Hedges and Hedgerows

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

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

36. Construction Environment Management Plan

No development shall take place until a Construction Environmental Management Plan (CEMP) to ensure waterbodies nearby are protected during construction and has been submitted to, and agreed in writing by, the local planning authority and implemented as approved. This should include the following as a minimum:

- Sediment Management plan: The Sediment Management Plan should describe how works will be undertaken to reduce the release of fine sediments and minimise the transport of material downstream. The plan should describe the monitoring that will be completed as part of the plan.
- Biosecurity plan: The biosecurity plan should detail biosecurity and INNS management best practice, utilising the check-clean-dry procedure across the site. The biosecurity plan should also identify specific actions and mitigation for known INNS. In addition, a procedure should be outlined in the event of new INNS being discovered whilst on site; in the event of which a strategy for containment and removal should be enacted.
- Pollution Prevention Plan: to include spill procedures and pollution response
- Vegetation clearance, habitat and tree protection plan
- Protected Species Protection Plan

Reason: The waterbody within the site has been shown to have a value to biodiversity. The proposed development will therefore only be acceptable if a planning condition is included requiring a Construction Environmental Management Plan (CEMP) to be agreed to ensure that pond and Marton West Beck and the ecology within is protected during construction and does not result in any ecological impact.

37. 37. Ecology

The recommendations/mitigation measures/Wildlife Enhancement Plan as set out in the approved documents detailed below 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:

- a) Ecology Masterplan, reference no. 101.53 rev. 01 dated November 2021
 - i. Wildlife Enhancements detailed in section 2
- b) Preliminary Ecological Appraisal, reference no. 101.53 rev. 01, dated October 2018;
 - i. Recommendations detailed in section 4.2
- c) Bat and Great Crested Newt eDNA Survey, reference no. 101.53 rev. 01, dated July 2019
 - i. Mitigation Strategy and Compensation Strategy section 4.2.2.
- d) Great Crested Newt Survey Report, reference no. 101.53 rev. 01, dated July 2021;
 - i. Recommendations section 4.2; and,
 - ii. Great Crested Newt Mitigation and Compensation Strategy section 4.3
- e) Quants Environmental Letter dated 8th June 2020 re. Great Crested Newt Survey; and,
- f) Additional Information – GCN, reference no. 101.53 dated 12th March 2021.

Thereafter the mitigation/enhancement 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.

Reason for Approval

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

The application site is an allocated site within the approved Housing Local Plan. Although the development conflicts with some elements of Policy H29 it meets the other requirements of this policy, the Nunthorpe Design and other relevant local and national policies. On balance the conflict with parts of policy H29 does not outweigh the social, economic and environmental sustainable benefits of the development.

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

INFORMATIVES

- **Discharge 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
- **Discharge of Condition Fee**
Under the Town & Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2018, the Council must charge a fee for the discharge of conditions. Information relating to current fees is available on the Planning Portal website <https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>. Please be aware that where there is more than one condition multiple fees will be required if you apply to discharge them separately.
- **Civil Ownership Matters**
This permission refers only to that required under the Town and Country Planning Act 1990 (as amended) and does not include any other consent or approval under any enactments, byelaw, order or regulation. The grant of planning permission does not override any third party rights which may exist over the application site.

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

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

- Building Regulations

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

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

- S106

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

- Statutory Undertakers

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

- Name and Numbering

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

- Deliveries to Site

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

- Cleaning of Highway

The applicant is reminded that it is the responsibility of anybody carrying out building work to ensure that mud, debris or other deleterious material is not deposited from the site onto the highway and, if it is, it shall be cleared by that person. In the case of mud being deposited on the highway wheel washing facilities should be installed at the exit of the development.

- Adoption of Highway - S38

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

- **Works to Highway - S278**
The proposal will require alterations to the existing highway and as such will require an Agreement under Section 278 of the 1980 Highways Act. The applicant is urged to consult early with the Highway Authority (tel: 01642 728156) to discuss these proposals. This agreement must be completed and in place before work commences.
- **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.
- **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.
- **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:

Location Plan

