
APPLICATION DETAILS

Application No:	23/0527/MAJ
Location:	Land at Strait Lane, Stainton, Middlesbrough
Proposal:	Erection of 22no. dwellings, provision of access, landscaping and ancillary works
Applicant:	T Manners & Sons Ltd
Agent:	ELG Planning
Ward:	Stainton And Thornton
Recommendation:	Approve with conditions subject to a s106 agreement

SUMMARY

Permission is sought for the erection of 22 dwellings with associated highways, landscaping and infrastructure, on the Rose Cottage housing development site in Stainton.

Following a consultation exercise objections were received from residents of 23 properties, and Stainton and Thornton Parish Council.

The site is allocated for housing in the Local Plan therefore the principle of residential dwellings on this site is established. The scheme has been amended since its initial submission to address a host of design and layout related matters. It is considered that the proposed development would provide a good mix of dwelling types which are of a good quality design and use of materials with adequate landscaping in the form of private gardens and with a suitable layout overall.

It is considered that the proposed development will not result in a significant detrimental impact on the amenities associated with adjacent properties / uses and will adequately provide for the amenity and privacy of future occupiers of the development. No technical objections have been received in relation to highways matters and flood risk.

The development meets the requirements of the relevant national planning guidance detailed within the NPPF and Local Plan policies, specifically H1, H11, H12, H27, H31, CS4, CS5, 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 to the northeast of Strait Lane approximately 60m from the junction with Low Lane. The site comprises 0.6 hectares of open green space and an existing access point from Strait Lane. Existing residential dwellings are located immediately adjacent to the site

on the southeast and northeast boundaries. A care home is located on land to the northwest. To the southwest Strait Lane separates the site from more residential dwellings.

Permission is sought for the erection of 22 dwellings and associated works. The dwellings proposed consist of:

- 11 two bed dwellings
- 8 three bed dwellings
- 3 four bed dwellings

The proposed dwellings comprise 9 pairs of semi-detached dwellings including 6 bungalows, one detached dwelling and a terrace of 3 dwellings.

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

Documents submitted in support of the application include:

- Planning Statement
- Design and Access Statement
- Transport Statement
- Flood Risk Assessment
- Ecology Assessment
- Air Quality Assessment
- Noise Assessment
- Statement of Community Involvement

PLANNING HISTORY

M/FP/0141/16/P - Erection of 1no 3 storey (85 bed) residential care home with associated access, parking and landscaping; Additional outline permission for 1no supported living accommodation block with associated access
Approve with conditions 23rd May 2016

16/5284/OUT - Outline application for the erection of 1no assisted living accommodation (C2 Use). Refused 6th March 2018. Decision Appealed and Dismissed 22nd January 2019

PLANNING POLICY

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

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

Middlesbrough Local Plan

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

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

National Planning Policy Framework

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

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

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

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

DC1 - General Development, CS5 - Design, CS4 - Sustainable Development, CS17 - Transport Strategy, UDSPD - Urban Design SPD, H1 - Spatial Strategy, CS1 - Spatial Strategy, H11 - Housing Strategy, HGHDC - Highway Design Guide, H31 - Housing Allocations, H12 - Affordable Housing, CS18 - Demand Management, H9 - Stainton, CS19 - Road Safety, H27 - Stainton, CS6 - Developer Contributions, MWC4 - Safeguarding Minerals, MWP1 - Waste Audits, Stainton and Thornton Neighbourhood Plan

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 at the site. Following receipt of revised plans, a further consultation exercise was carried out. Objections have been received from residents of 23 properties. The comments received are summarised below.

Resident objections:

- a) Concerned about the position of the FW drainage and the impact from it's construction on residents;
- b) Increased risk of flooding;
- c) Inadequate information in flood risk assessment (out of date) and drainage strategy;
- d) Boundary treatments not suitable in terms of design, appearance and maintenance issues;
- e) More robust masonry boundary treatment would not be a pleasant surrounding and would create a feeling of enclosure;
- f) Boundary treatments should be set in so no shadowing falls on neighbouring land;
- g) Do not support the widening of the access road bringing a considerable amount of traffic through an already busy entrance;
- h) Inadequate access, poor visibility;
- i) Increase in traffic;
- j) Junctions in area are already busy;
- k) High density, over development;
- l) Inadequate parking provision, cars will park on land in neighbouring ownership;
- m) Home will overlook a car parking area;
- n) Lack of visitor parking;
- o) Poor safety for residents due to surrounding roads;
- p) Location of refuse store harms visual amenity even with trees planted;
- q) Properties and gardens will not be adequately maintained;
- r) Impact on privacy;
- s) Increase in noise;
- t) Impact on use of gardens for care home residents;
- u) No information in relation to street lighting or fire engine response attendance;
- v) Impact on access by emergency services;
- w) Harm to character and appearance of area;
- x) Harm to residents living conditions, elderly residents in care home;
- y) Changes give consideration to care home but don't go far enough;
- z) Inappropriate use for location, not suitable for affordable social housing;
- aa) No facilities for play in local area;
- bb) Not a sustainable site;
- cc) Lack of public transport;
- dd) Increase risk of antisocial behaviour and crime;
- ee) Houses not in keeping with the area;
- ff) Basic and bland house types
- gg) Detrimental visual appearance;
- hh) Lack of infrastructure including Doctors, Schools, shops and broadband;
- ii) Loss of light;

- jj) Loss of green space;
- kk) Impact on wildlife;
- ll) More houses are proposed off Low Lane, none are needed here;
- mm) Too many new houses in the area;

Received From:

1. 11 Buttercup Grove;
2. 19 Buttercup Grove;
3. 23 Buttercup Grove;
4. 27 Buttercup Grove
5. 35 Buttercup Grove;
6. 2 Clover Field Road;
7. 4 Clover Field Road
8. 8 Milk Thistle Close;
9. 10 Milk Thistle Close;
10. 11 Milk Thistle Close;
11. Montpelier Manor, 46 Strait Lane;
12. 5 Primrose Way;
13. 7 Primrose Way;
14. 9 Primrose Way
15. 11 Primrose Way;
16. 18 Primrose Way;
17. 21 Primrose Way;
18. 24 Primrose Way;
19. 28 Primrose Way;
20. 30 Primrose Way
21. 34 Primrose Way;
22. 6 Rose Cottage Gardens; and,
23. 4 Snapdragon Way.

Planning Policy – MBC

The application site is part of a larger site allocated for residential development in Policies H27 and H31 of the adopted Development Plan. The principle of housing development on the site has, therefore, already been established.

Policy H1 and H9 identify the land at Stainton, on the wider Rose Cottage site, for development of 325 dwellings. The proposed development will bring the total number on the site to 336.

The conflict with these policies is minor and must be balanced against changes in the NPPF. Any policies that restrict the number of dwellings on a site are considered to be out of date and not in line with national planning policies which seeks to support developments that make efficient use of land where housing isn't limited by number, but density is instead based on a design led approach. This view has been upheld at appeal by the Planning Inspector through multiple appeal decisions in Middlesbrough.

The density of the proposed development is in keeping with the adjacent development. As such, it would not be appropriate to refuse a planning application on the grounds that the proposed number of dwellings exceeds the maximum figure stated in the Local Plan Policies.

Highways – MBC

The development has been considered in relation to the impact on capacity and safety of the local highway network. Developer contributions are required through a s106 agreement towards strategic highways works.

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

No objections are raised subject to relevant conditions.

Local Flood Authority – MBC

No objections subject to relevant conditions requiring detailed specification of drainage scheme including its management and maintenance.

Environmental Health – MBC

I refer to your recent consultation regarding the above application. I have reviewed the reports submitted with the application and have the following comments:

Air Quality

The NJD Environmental Associates air quality assessment ref NJD23-0187-002R dated September 2023 is accepted and there will be no impact on local air quality as a result of the development. However, the mitigation measures to minimise dust control presented within the report should be adhered to.

Noise

The NJD Environmental Associates noise assessment ref NJD23-0187-001R dated September 2023 is accepted and provided the noise mitigation measures as stated within the report (external barrier, glazing and ventilation) are installed then there should be no impact on noise as a result of the development. A condition will be required to ensure the development is carried out with the necessary mitigation.

Land Contamination

The Arc Environmental Desk Top study and Ground Investigation report has been reviewed and the site does not have any issues in relation to land contamination and is suitable for its use as residential. If any contamination is found this must be reported and appropriately dealt with.

Construction Management

The NJD Environmental Associates air quality assessment ref NJD23-0187-002R dated September 2023 contains controls to minimise dust emissions during construction and these controls should be adopted. There are also controls on noise and dust within the construction management plan submitted with the application. However there are no details as to whether piled foundations will be required and if so what type of piling will be undertaken. Before final comments on construction management can this additional information on piling be provided?

It should be noted that this matter is not controlled by planning legislation and can be dealt with through other processes. A revised Construction management plan was received but no further comments were received from Environmental Health.

Waste Policy – MBC

Residents will be required to make their refuse and recycling receptacles available for collection at the nearest public highway and return these back to their properties after collections.

Natural England

No objection – subject to appropriate mitigation being secured

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Teesmouth and Cleveland Coast Special Protection Area and Ramsar site <https://designatedsites.naturalengland.org.uk/>.
- damage or destroy the interest features for which Teesmouth and Cleveland Coast Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- Full payment for the allocated 26.59 credits from the Nutrient Mitigation Scheme. This can be evidenced through completion of Section 9 in the relevant Credit Certificate.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Secured by Design – Cleveland Police

I would like to make you aware that Cleveland Police operate the "Secured By Design" initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments.

I recommend applicant actively seek Secured By Design accreditation, full information is available within the SBD Homes 2023 Guide at www.securedbydesign.com

I encourage contact from applicant/agent at earliest opportunity, if SBD Certification is not achievable you may incorporate some of the measures to reduce the opportunities for crime and anti-social behaviour. This is expected as reference to Secured By Design is highlighted within the Design & Access Statement.

Once a development has been completed the main opportunity to design out crime has gone. The local Designing Out Crime Officer should be contacted at the earliest opportunity, prior to submission and preferably at the design stage.

- The National Planning Policy Framework 2023 paragraph 92(b), which states that Planning policies and decisions should aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...
- The National Planning Policy Framework 2023, paragraph 130(f) which states that "Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".
- Policy CS5 (Design) of the Local Development Framework, section e states, creation of a safe and attractive environment, at all times of the day and night, where crime and disorder, or fear of crime, does not undermine quality of life or community cohesion by incorporating the aims and objectives of both Secured By Design and Designing Out Crime concepts into development layouts and is therefore a material consideration.

- Another material consideration is Section 17 of The Crime and Disorder Act 1998.

Further information on the Secured By design initiative can be found on www.securedbydesign.com

Although not an SBD requirement, Middlesbrough along with many other areas nationwide suffers from offences of metal theft. These include copper piping, boilers, cables and lead flashing. Buildings under construction are particularly vulnerable. I recommend that alternative products be utilized where possible. Many new builds are now using plastic piping where building regulations allow and alternative lead products.

Strong consideration should also be given in relation to the provision of On- Site Security throughout the lifespan of the development. There is information contained within the Construction Site Security Guide 2021 also on the SBD website that may assist.

In addition to the above, and having viewed the proposal I would also add the following comments and recommendations.

- All doors and windows are recommended to be tested and certified PAS24:2020/2016 standards (or equivalent)
- Dusk til dawn lights are recommended to each elevation with an external door-set.
- It is recommended that Plots 5,6,9,10, 13 and 18-21 having an additional dusk/dawn light fitted on side elevation where in curtilage parking is proposed.
- ALL roadways and pathways, adopted or otherwise, are recommended to be to BS5489:2020 standards with a uniformity preferably to Secured By Design recommended one of 40%, as a minimum 25%.
- Proposed boundary treatments as outlined are recommended to be slightly altered.
 - o All proposed 1.8m high treatments onto public realm are recommended to be raised to 2.0m in height.
 - o Those to rear of Plots 1-13 however, onto open space are recommended to be increased to 2.2m.
 - o Locate all side boundary treatments as far forward to the front elevations of the properties as possible to eliminate recesses to Plots not having side in curtilage parking.
 - o Rear boundary treatments to Plots 15-24 should not have any gap between them and existing fences to properties already there that would allow access between them.
- The proposed low level knee rail on NE corner by the easement is not recommended as it allows for needless permeability into the site. If this cannot be secured then reconfiguration to bring it within the front street scene is recommended to maximise surveillance opportunities and not have it as a potential crime generator.
- A non-leaky cul-de-sac design is preferred.

Cleveland Fire Brigade

Cleveland fire Brigade offers no representations regarding the development as proposed. However Access and Water Supplies should meet the requirements as set out in:

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

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 18 tonnes. This is greater than the specified weight in AD B Vol 1 Section B5 Table 13.1.

Cleveland Fire Brigade also utilise Emergency Fire Appliances measuring 3.5m from wing mirror to wing mirror. This is greater than the minimum width of gateways specified in AD B Vol 1 Section B5 Table 13.1.

Recommendations

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

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

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.

Northumbrian Water

Thank you for consulting Northumbrian Water on the above proposed development.

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

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

We do not have any issues to raise with the above application, provided it is approved and carried out within strict accordance with the submitted document / drawing entitled Flood Risk Assessment and Drainage Strategy Revision D. This document reflects our pre-planning enquiry advice.

We request that a condition be attached to any planning consent granted, so that the development is implemented in accordance with the named document.

Northern Powergrid

No response

Stainton and Thornton Parish Council

I am writing on behalf of Stainton and Thornton Parish Council to object to the above planning application.

This is the second application for this site and although the developer has proposed to reduce the number of dwellings from 24 to 22 most of our objections to the first application still apply to this second application, namely that the site is being over developed that will result in problems with access, parking and cause drainage and flooding risk to adjoining properties.

The new application has tried to address some of our objections by increasing the number of parking spaces to 2 per dwelling and increased visitor parking to 4 for the whole site. However, because of the type and density of the development, we still do not think these will be sufficient and the new lay out will result in on street parking that could cause access problems for service and emergency vehicles, or worse still, cause visitors to park on Strait Lane OR in the adjacent Montpelier Manor Care Home, something that is totally unacceptable.

Another of our concerns is that of Drainage and Flood Risk. The topography of the site shows that it sits towards the bottom of a gentle slope and has an underlying strata of boulder clay. Anecdotally, residents from Rose Cottage to the south of the site are complaining that their gardens have been flooded this winter and IF the proposed development is built out as planned, then surface water drainage could be a problem particularly for the adjacent property, Montpelier Manor. Every effort should be made to prevent this from happening.

As it stands, the proposed development could have a negative impact on the amenity currently enjoyed by the residents, staff and visitors to the care home.

Even though the number of dwellings has been reduced from 24 to 22 AND the number of bungalows has been increased, the proposed density of the development will impinge upon the privacy of the residents in the care home. The proposed treatment to delineate the development from the care home and adjacent properties should be more structurally substantial, such as brickwork rather than the proposed timber fencing. This would be more aesthetically pleasing and require no long-term maintenance, something that fence posts and timber fencing would require on an annual basis.

Access to the development is via Strait Lane over land currently owned by Montpelier Manor Care Home and I understand that the necessary easements and permissions have NOT been agreed between the developer and the Methodist Homes (MHA) who own Montpelier Manor, to allow any alteration/improvement/adoption by the LPA. A similar situation also arises with the route the drains are proposed for this development. In order to reach the mains drainage system, plans currently show that the drains will cross Montpelier Manor owned land, but no permission has been sort or granted to allow the development to proceed.

We believe this development will introduce extra/additional traffic and so add a further risk to people's safety and put increase the accident potential to the Strait Lane/Low Lane junction. We hope these views and comments will be taken into consideration when deciding whether to give consent to the planning application and we hope you will reject the application as presented.

Ward Councillor

No response

PLANNING CONSIDERATION AND ASSESSMENT

1. During the application process revised plans were received in response to comments raised by consultees and the planning case officer. The revised plans made changes to the proposed development including;
 - reducing the number of proposed dwellings from 24 to 22,
 - including four bed dwellings within the housing mix,
 - Increased number of bungalows from 3 to 6,
 - removal of refuse stores at the front of properties,
 - increased parking provision including specific visitor parking,
 - a revised layout and the removal of 'possible' cut through.The revised plans are the subject of this report.

Principle of Development

2. The application site is part of a larger site allocated for residential development under Policies H1, H27 and H31 of the adopted Local Development Plan. The principle of housing development on the site has, therefore, already been established.
3. Policy H1 identifies land at Stainton for 325 dwellings. The other parts of the allocation site have now been completed and delivered 314 dwellings. However, Policy H1 advises that proposals for more than the maximum dwelling requirements will be considered where it can clearly be demonstrated through a design led approach and having regard to the characteristics of the surrounding area and any site specific policy requirements that an alternative capacity is more appropriate.
4. It should also be noted that following changes in the NPPF, any policies that restrict the number of dwellings on a site are considered to be out of date and not in line with national planning guidance which seeks to support developments that make efficient use of land where housing isn't limited by number, but density is instead based on a design led approach. This view has been upheld at appeal by the Planning Inspector through multiple appeal decisions in Middlesbrough.
5. As such, the fact that the proposal would result in a greater number of properties than defined within the Local Plan Policy is reason for refusal of the application and the application has to be considered against other relevant policies and material planning considerations.
6. Policy H9 advises that the Council aspires to see predominantly three and four bedroom detached and semi-detached dwellings. The proposal details the following;
 - 18 semi-detached, 1 detached and a single terrace of 3.

- 11 have three and four bedrooms,
- 11 have two bedrooms, (including six bungalows).

The wider Rose Cottage development consists of two, three and four bedroom dwellings including bungalows. As a result, the scale of the proposed development is in keeping with the wider site and is considered to be reasonably compliant with Policy H9 aspirations.

7. Policy H27 sets out the requirements for development of the wider allocation site and reiterates the aspired dwelling types referred to in Policy H9 above. Policy H27 also requires for the overall site, that 15% of the dwellings are affordable, to be provided as 5% on site and a 10% off-site through an affordable housing contribution. The built-out part of the allocation did not provide any on site affordable housing and dealt with this via an off-site contribution. This current proposal and the built-out scheme would result in approx. 14% off site contribution and 6% on site contribution. This is considered to meet but not notably exceed the on-site policy expectations whilst exceed the off-site policy expectations. The policy however, is not a maximum and the proposals are therefore considered to be policy compliant in this regard.
8. Policy H27 also advises that site access to the land north of Strait Lane should be from one access point. The allocation site already has two access points to the north of Strait Lane, one to serve the Rose Cottage Farm development and one to serve the Montpellier Manor Care Home. The proposed development would be accessed by this latter access point. As this is not introducing a new access onto Strait Lane, it is considered to accord with the policy requirements.
9. Other requirements in Policy H27 relate to a children's play area, a green buffer zone along Stainton Beck and maintenance of public rights of way running across the allocation site. The children's play area has been provided as part of the earlier phases of development on the allocation site. The requirements in relation to the buffer zone along the Beck and public rights of way relate to the wider allocation site and would not be impacted upon by development of the application site.
10. Policy H11 sets out the housing strategy for the Borough. In south Middlesbrough the Policy identifies provision of higher value housing at Stainton, new housing to meet aspirational needs and create a sustainable and balanced mix of housing, and to be of high quality and density appropriate to the location. It is important to view this proposal as being part of the overall allocation and whilst this proposal is for 100% affordable properties, this is significantly reduced when considered in the wider site context. It is considered that the proposed development will contribute to the creation of a broader mix of housing across the wider allocation site and following the removal of 2 dwellings as part of the revised scheme, the density of the proposed dwellings on the application site is generally in keeping with that of the adjacent dwellings.
11. Policy CS4 requires that all development contributes to sustainable development. This includes being located so that services and facilities are accessible by sustainable forms of transport. Whilst it is recognised that Stainton is somewhat distanced from key amenities, it is a designated housing site and there are footpath connections with Hemlington as well as a bus stop that links the site with the Parkway District Centre and the Town Centre.
12. Policy CS5 requires all development proposals to demonstrate high quality design in terms of layout, form and contribution to the character and appearance of the area.

13. Policies CS17 and CS19 require development to be located where it will not have a detrimental impact on the operation of the strategic transport network and on road safety respectively. Policy CS18 requires that development proposals improve the choice of transport options, including promoting opportunities for cycling and walking.
14. The site is within the minerals safeguarding area for gypsum. Policy MWC4 allows non-minerals related development where the need for the development outweighs the need for the mineral resource. It is considered that the need for affordable housing in Middlesbrough outweighs the need for the relatively widespread mineral.
15. The application site is within the Stainton and Thornton Neighbourhood Plan Area. Relevant Policies include Policy ST8 which sets out design principles for new residential developments and ST10 which encourages renewable energy on small scale housing development.

Highways

16. Development proposals seek the erection of 22 dwellings with access taken from Strait Lane. This vehicular access is shared with the adjacent Montpelier Manor Care Home. Works are proposed to the internal junction which will result in the care home becoming a side arm to the access into the proposed residential development.
17. Vehicles within the access bellmouth will be travelling at low speed as they have either just completed the turn into the site from Strait Lane or are slowing down preparing to turn out into Strait Lane. In order to further ensure vehicle speeds are low and hence maximise the time motorists have to see each other or pedestrians the internal junction of the care home and development is proposed to be constructed as a raised plateau.
18. Within the development site the highway is designed as an informal shared surface with managed areas of on-street parking being provided. The internal layout is being designed and constructed to adoptable standards and will follow the adoption process through agreement under the Highways Act.
19. Using vehicular trip rates accepted on similarly located developments the proposals will generate in the region of 17 vehicle movements during the busiest hourly network AM and PM peak periods. This level of traffic generation is negligible and will not have a material impact on the operation of the adjacent network nor warrants further assessment.
20. Bus stops within a short walk of the site are available and provide an option for residents to travel by mode other than the private car.
21. The parking provision meets the required standards in terms of the number of spaces provided per property and managed on-street visitor parking has been provided within the development site.
22. The local highway authority have considered the application and its impact on the local highway network in relation to safety and capacity and objections have been raised subject to necessary conditions and informatives being imposed. Developer contributions are required through a s106 agreement towards strategic highways

works, in line with the requirements for the wider allocated site. This is detailed later in the report (S106 section)

23. The application has been considered by the Local Highway Authority who have no objections to the scheme. The development is considered to be in accordance with the requirements of Local Plan Policies DC1 and CS5, and policy ST6 of the Stainton and Thornton Neighbourhood Plan.

Flood Risk

24. A Flood Risk Assessment has been submitted in support of the application. The site is within National Flood Zone 1 which is classified as having a low probability of flooding, less than 1 in 1000 annual probability of river or sea flooding (<0.1%), residential dwellings are therefore an appropriate form of development in line with the NPPF technical guidance table 3. The flood risk assessment also confirms that the site currently has a low risk of flooding from overland flows and flooding due to ground water.
25. The proposed drainage scheme includes discharge rates agreed with the Local Flood Authority, the incorporation of oversized pipes to manage any increased volumes of water and a cellular storage system. Permeable paving will be used to construct drives to properties.
26. The adjacent care home has suggested that an alternative drainage scheme should be required to prevent the need for works to be carried out on their land which will disturb their residents. It is not for the local planning authority to design a scheme. We are required to assess the scheme proposed and advise where it is not acceptable in planning terms.
27. The flood risk assessment and proposed drainage scheme has been considered by the Local Flood Authority and Northumbrian Water and no objections have been raised as they consider the proposals to be acceptable in principle and in accordance with their requirements subject to standard conditions being placed on the application which require the final detailed drainage scheme to be submitted and agreed. As a result, an alternative scheme is not required. The development is considered to be in accordance with the requirements of Policies DC1 and CS4.

Environmental Matters

28. The application has been submitted with supporting documents assessing air quality, noise in relation to the surrounding highways and site contamination. The council's Environmental Health team have considered the application in relation to these and other matters. It is noted that the site is not situated within or close to an air quality management area and that the limited amount of traffic associated with the development is not expected or anticipated to significantly increase air pollution emissions within the area. The council's Environmental Health team have accepted the findings of the reports and recommended conditions be imposed to ensure the development is undertaken in a manner which prevents undue impacts.
29. Given the location of the site, the small scale of the development and the future use of the development, there is no known reason to disagree with the assessments submitted or the considerations of the council's environmental health team.

Amenity

30. There is a change in levels across the site of approximately 3m with levels being higher on the southeast boundary and lower on the northwest boundary which is shared with the adjacent care home. The positioning of dwellings on the site takes into account the change in levels. In particular the proposed bungalows have been located along the northwest boundary with the adjacent care home. This reduces the visual impact of the dwellings in this location and provides enhanced privacy for the care home residents as the reduced height of the dwellings and proposed boundary treatment will prevent any overlooking. The main elevation of the adjacent care home is approximately 22m away at its closest point which exceeds the guidance on separation distances in the Urban Design SPD which recommends 21m as being necessary distance between residential properties. The change to the scheme which details the provision of bungalows along the care home boundary / garden (instead of 2 storey dwellings) means that the potential for overlooking of the care home garden area is substantially reduced. Notwithstanding this, residential properties overlooking each others gardens is a common feature of estate design. The key is to ensure this is not a significantly adverse impact, rather than preventing it at all costs. The separation distances to all existing properties around the site exceed the guidance distances in the Urban Design SPD. As a result the proposed development will not have a significant detrimental impact on the amenity of surrounding properties in relation to privacy.
31. Objections have been received relating to the noise from the development following completion from the general use of the dwellings, such as children playing. Whilst noted, the site is an allocated housing site, the principle of residential development has therefore been agreed. The noise associated with residential use on this site is no different than that of the adjacent residential estates and therefore the impact on the amenity of neighbouring residential uses, including the care home, are not considered to be abnormal or detrimental, and do not warrant the refusal of the development. It is also noted that the developer has taken significant steps to reduce the impact on the care home in relation to noise and privacy by proposing bungalows along the boundary of the site and increasing the length of the noise attenuation fence which is only required in the southwest corner of the site to protect the proposed dwellings from road traffic noise. However, the developer has revised the scheme so the noise attenuation fence runs along the boundary with the care home to reduce any noise impact from the development on the use of the garden at the care home.
32. The care home has subsequently objected to the design and appearance of the noise attenuation fence. The care home has also objected to the impact of overshadowing from the boundary treatment suggesting that the boundary treatment should be moved further into the site to ensure no shadow is cast over their land and no access is required to maintain the fence from their land. Whilst the fence will be a significant length along the boundary it is not out of keeping with boundary treatments in residential areas. Existing landscaping at the care home site will also soften the appearance of the fence.
33. Permitted development rights allow a person to erect a 2m high fence around land, that is not located immediately adjacent to a highway, without the need for planning permission. As a result the care home could erect a fence along the boundary, or the land owner of the site could erect a fence along the boundary, of any design or material, which would have the same impact on the neighbouring land in terms of

light and overshadowing. It would not therefore be reasonable to require the boundary treatment for the development to be moved off the boundary. The separation distances to the existing dwellings, and the orientation of the dwellings ensures that the development will not have a significant impact on the surrounding properties in relation to light.

34. Comments have been received regarding the lack of details relating to lighting. Street lighting is a highways matter that is considered by the highway authority with all adopted roads to have the required levels of street lighting. Any other lights that may be erected by residents on their properties following the completion of the development are no different to any other residential estate. This is common place and not suitable for planning to control across each individual house. Instead, should lighting be erected which is a nuisance, this could be considered by legislation which rests with others.
35. Objections have been received in relation to the size of the dwellings being smaller and therefore of a reduced quality. All of the proposed dwellings exceed the government's space standards for new dwellings offering good amenity for the residents which is considered to contribute towards a high-quality scheme. Whilst they may be smaller than the immediately adjacent properties, it is noted that Stainton is defined by a mix of house types and sizes and this proposal continues that existing characteristic of the village.
36. Given the relationship between the proposed dwellings and the adjacent buildings, and the works that have gone into redesigning the development to reduce the impact on adjacent properties, in particular the care home, it is considered reasonable to remove some permitted development rights to enable the planning authority to control any future changes to the dwellings, should they come forward. Those recommended for removal would require planning permission to be obtained for extensions to the properties and boundary treatments.
37. It is considered that the development will not have a detrimental impact on the amenity of any existing residents, and the layout and house types will ensure that new residents have adequate levels of amenities. The development is considered to be in accordance with the requirements of Policy DC1 and CS5.

Design/Layout/Streetscene

38. The dwellings range from bungalows to two-storey dwellings which step up the site with the change in gradient across the site. The scale of the dwellings is in keeping with those erected on the Rose Cottage site, which also includes bungalows. The mix of two, three and four bed properties are also in keeping with the surrounding development.
39. The application site is surrounded by the wider Rose Cottage housing site which also includes the care home to the northwest of the site. The existing housing and care home are constructed with a mix of render and brick. These materials are also proposed at the application site to reflect the character and appearance of the surrounding properties. The proportion of render to brickwork has been altered (following request by the case officer) to better represent the housing in the immediate area and the applicant has done this which should achieve better cohesion with the built out part of the wider site allocation.

40. The dwellings proposed are in keeping with those approved on the adjacent site and takes cues from it whilst also having its own distinct character. The use of design details including bay windows on corner turners, artstone cills, gable features, soffits, decorative porches, brick banding, and varying boundary treatments result in high quality dwellings.
41. Car parking is located to the side and rear of dwellings with intervening landscaped areas that break up the hard surfaces resulting in a higher quality landscaped setting increasing the visual amenity of the area. The removal of footpaths and the use of a shared surface should assist in greening the internal environment whilst reducing vehicle speeds which is appropriate for a small cul-de-sac development as proposed.
42. The NPPF requires local authorities to deliver a wide choice of high quality homes to significantly boost the supply of housing. The proposed dwellings offer a mix of high quality styles and sizes with varying garden sizes. The dwellings are considered to be in accordance with these requirements of the NPPF.
43. The dwellings have been orientated so that they provide a strong frontage to enhance the visual appearance when entering the site and accessing the adjacent care home, with properties fronting the access road and car parking located to the rear so it does not detract from the landscaping at the front of the site. The remaining dwellings primarily front into the site to provide high levels of natural surveillance to the shared streetscene and parking spaces which reduce the opportunities for crime and antisocial behaviour at the site. Feature corner turn properties have been placed in key locations to enhance the streetscene and levels of natural surveillance. These layout features are in keeping with the principles of secured by design.
44. The proposed dwellings are considered to be good quality design in keeping with the character and appearance of the area and will result in an attractive streetscene to the benefit of existing and future residents. The development is in accordance with the requirements of Policies DC1, CS4 and CS5 of the local plan and policy ST8 of the Stainton and Thornton Neighbourhood Plan.

Ecology/Landscaping

45. This application was received prior to the changes in relation to biodiversity net gain and therefore the 10% BNG requirement does not apply.
46. The site comprises grassland with a small area of hardstanding in the southern corner which provides the access from Strait Lane. An ornamental hedgerow of which more than 95% is beech with some hawthorn and hazel, is located outside the site along the northwest boundary within the grounds of the adjacent care home.
47. The site has been assessed in relation to protected species. It has no potential roosting habitat for bats and only a small area of potential open foraging habitat. The surrounding houses provide better roosting features for bats and the nearby woodland and wetland habitats provide more favourable foraging opportunities. Similarly the site provides little nesting opportunities for birds and any foraging is limited by the small enclosed nature of the site. No bird species were recorded during the ecological survey of the site. The ecology report submitted advises that the site has low suitability for amphibians being dominated by grassland with limited hibernacula and no standing water and that hedgehogs and common toad may use

the site on occasion. This position is accepted given the current appearance and position of the site.

48. The proposed development can mitigate against impacts on ecology on the site and enhance opportunities for wildlife. This includes leaving hedgehog gaps in boundary treatments, planting to provide increased foraging opportunities and integrated bat boxes and swift boxes in 50% of the dwellings.
49. It is considered that although the development will result in the loss of open field, the site is currently of low ecological value as reported and there is no clear reason to disagree with this assessment. Furthermore, the creation of landscaped areas, appropriate planting, and species specific mitigation, will offer enhanced ecological potential and have a positive impact in accordance with the requirements of Local Plan Policy CS4 and policy ST3 of the Stainton and Thornton Neighbourhood Plan.

Nutrient Neutrality

50. 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.
51. 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.
52. 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.

53. Following the completion of a Habitat Regulation Assessment this development is considered to be in scope and has been put through the Teesmouth Nutrient Budget Calculator which established the total annual nitrogen load the development must mitigate against.
54. There are a number of ways a development can mitigate against nitrogen, one of which is to apply to Natural England for credits. In relation to the proposed development the applicant successfully applied to Natural England for credits.
55. The mitigation is considered to be acceptable for this development, subject to the provisional Nutrient Credit Certificates becoming final Nutrient Credit Certificates. It is the planning view that this can be controlled by a pre-commencement condition being placed on the planning application, should it be approved, which requires a copy of the final credit certificate to be sent to the Local Planning Authority prior to any works commencing on site.
56. The proposed development will not have an unacceptable impact in terms of nitrate generation/pollution as the applicant has been able to demonstrate acceptable mitigation. As a result the scheme will not have a Likely Significant Effect. Natural England have confirmed that they have no objections to the development. On this basis the scheme is considered to be acceptable.

S106

57. If approved the development will be subject to a s106 agreement. The agreement has not yet been drafted, agreed and signed. The applicant has been informed that the following contributions are required.
 - A contribution of £95,415 is required towards strategic highway works to mitigate against impacts of major housing developments.
 - A contribution of £2000 is required towards local environmental improvements.
 - A contribution of £40,722 is required towards a beck improvement scheme as the drainage system discharges into a watercourse.
58. These contributions are considered to be proportionate to the small number of dwellings proposed.

Other matters

Archaeology

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

Social and Economic Benefits

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

Broadband Infrastructure

61. The developer is required to enter into discussions with internet providers to provide infrastructure for the application site and have confirmed that the development will supply high speed fibre broadband as standard. These discussions are separate to the planning process.

Electric Charging Points and Renewable energy

62. Each dwelling includes an electric vehicle charging point and a condition is recommended to control the inclusion of solar photovoltaic panels to some of the property roofs should they be required to meet Policy requirement for renewables or the requirements of the Building Regulations.
63. The development is considered to be in accordance with the requirements of Local Plan policy CS4 and policies ST3 and ST10 of the Stainton and Thornton Neighbourhood Plan in relation to renewable energy.

Non-material Comments

64. A planning application can only be considered in relation to material planning considerations. A number of the comments made by residents are not material planning considerations, as a result they are not considered as part of the analysis of this application. Such comments include but are not limited to; stress/anxiety and impact on mental health of neighbouring residents, financial situation of future residents, or lack of information relating to who the residents are, impact on property values, loss of a view over someone else's land, or children will play with balls and toys and may go over the site boundaries to neighbouring land.
65. A number of the comments received from Montepellier Manor Care Home and other existing residents relate to civil matters between two landowners such as access being required over their land for drainage, highway purposes, other infrastructure, or whether access will be allowed onto another person's land to maintain boundary treatments. These are wholly separate from the planning process and have no bearing on the determination of this application. They are matters for the landowners to resolve outside of planning legislation. A planning application may be approved but if a civil matter cannot be resolved it can prevent the development from taking place. This does not prevent the planning application from being approved.
66. Whilst it is acknowledged that the construction of dwellings on the site will have an impact on neighbouring properties in terms of noise and disturbance during construction, and this may be further exacerbated by the vulnerable nature of residents in the adjacent care home. This is not a material planning consideration and a development cannot be refused on that basis. Developers have a right to build and separate legislation controls working hours on site, matters relating to dust and noise from construction. It is noted that the applicant has stated that they are happy to discuss working hours on site with the care home. Any noise and disturbance from construction will be for a temporary period only, and being a small site, is unlikely to take an unduly long period to build out.

Conclusion

67. The scheme as presented provides a high quality development in terms of the layout, built form, design and appearance, that will deliver a mix of dwelling types including bungalows.

68. The development provides homes with a shared space layout which benefits from landscaped features which will result in an attractive streetscene with good levels of natural surveillance and high levels of amenity. The development is in keeping with the character of surrounding areas but will have its own distinct style and setting.
69. The development is considered to be in accordance with policies DC1, CS4, CS5 and H27 of the Local Plan, the Stainton and Thornton Neighbourhood Plan and paragraph 135 of the NPPF.

RECOMMENDATIONS AND CONDITIONS

Approve subject to S106 Agreement and subject to the following conditions and informatives.

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) Site Location Plan, drawing no. 23026-EArch-PL-XX-DR-E-0005-P02;
- b) Proposed Site Layout, drawing no. 23026-EArch-PL-XX-DR-S-0110-P010;
- c) Proposed Boundary Treatment Plan, drawing no. 23026-EArch-PL-XX-DR-S-0111-P06;
- d) Proposed Open Space Plan, drawing no. 23026-EArch-PL-XX-DR-S-0113-P02;
- e) Proposed Ownership Plan, drawing no. 23026-EArch-PL-XX-DR-S-0112-P03
- f) Proposed Floor Plans and Elevations, drawing no. 23026-EArch-PL-XX-DR-2BB-0120-P02;
- g) Proposed Floor Plans and Elevations, drawing no. 23026-EArch-PL-XX-DR-2BB(V2)-0120-P02;
- h) Proposed Floor Plans and Elevations, drawing no. 23026-EArch-PL-XX-DR-2BS-0120-P09;
- i) Proposed Floor Plans and Elevations, drawing no. 23026-EArch-PL-XX-DR-2BT-0120-P09;
- j) Proposed Floor Plans and Elevations plots 1 and 2, drawing no. 23026-EArch-PL-XX-DR-3S4-0120-P03;
- k) Proposed Floor Plans and Elevations, drawing no. 23026-EArch-PL-XX-DR-3S4-0120-P03;
- l) Proposed Floor Plans and Elevations, drawing no. 23026-EArch-PL-XX-DR-3BS-0120-P05;
- m) Proposed Floor Plans and Elevations, drawing no. 23026-EArch-PL-XX-DR-3BD-0120-P05;
- n) Streetscenes received 1st July 2024;
- o) Drainage and Levels Strategy, Sheet 1 of 2, drawing no. 000-00 rev. I;
- p) Drainage and Levels Strategy, Sheet 2 of 2, drawing no. 000-04 rev. O;

- q) SW Calculations, dated 21st March 2024, received on 25th June 2024;
- r) Flood Risk Assessment & Drainage Strategy, report no. 2019098 rev. D, dated June 2024;
- s) Landscape Management Plan, drawing no. 4020/1 rev. D;
- t) Landscape Management Specification, reference no. 4020;
- u) Ecological Appraisal, reference no. 23291 rev. V2, dated March 2024;
- v) Noise Assessment reference no. NJD23-0187-001R, dated March 2024;
- w) Air Quality Assessment, reference no. NJD23-0187-002R/R2, dated March 2024;
- x) Transport Statement, reference no. 1140-TS rev. 7 dated 27th March 2024;
- y) Phase 1 Desk Top Study report, reference no. 23-806;
- z) Phase 2 Ground Investigation Report, reference no. 23-806; and,
- aa) Construction & Environmental Management Plan, reference no. 250324, received on 28th March 2024.

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

3. Materials - Samples

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

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

4. 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.

5. PD Rights Removed Extensions/Alterations

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

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

DC1 and section 12 of the NPPF.

6. 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 the roof construction commencing 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.

7. 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.

8. Car Parking
The development hereby approved shall not be occupied/brought into use/commenced until the areas for vehicle parking have been constructed and laid out in accordance with the approved drawing(s) Proposed Site Layout, drawing no. 23026-EArch-PL-XX-DR-S-0110-P010, or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority. Such areas shall thereafter be retained in perpetuity for the sole purpose of parking vehicles.

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

9. 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 & Drainage Strategy, report no. 2019098 rev. D, dated June 2024 and the development shall be completed in accordance with the approved scheme.

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

- (i) The surface water discharge from the development must be limited to a Greenfield run off rate (Q_{bar} value) with sufficient storage within the system to accommodate a 1 in 30 year storm.
- (ii) The method used for calculation of the existing greenfield run-off rate shall be the ICP SUDS method.

(iii) The design shall ensure that storm water resulting from a 1 in 100 year event, plus climate change surcharging the system, can be stored on site with minimal risk to persons or property and without overflowing into drains, local highways or watercourses.

(iv) Provide an outline assessment of existing geology, ground conditions and permeability.

(v) The design shall take into account potential urban creep.

(vi) The flow path of flood waters for the site as a result on a 1 in 100 year event plus climate change (Conveyance and exceedence routes)

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

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

10. 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.

11. 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.

12. Foul and Surface Water Drainage

Development shall be implemented in line with the drainage scheme contained within the submitted document entitled Flood Risk Assessment & Drainage Strategy, report no. 2019098 rev. D, dated June 2024. The drainage scheme shall ensure that foul flows discharge to the public foul sewer at manhole 8601 and ensure that surface water discharges to the existing watercourse via the highway drain.

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

13. Landscape Scheme and Management Plan

The landscape scheme as detailed in the approved Landscape Management Plan, drawing no. 4020/1 rev. D, or in accordance with details to be submitted to and approved in writing by the Local Planning Authority, shall be implemented and retained on site.

The landscaping must be managed in accordance with the approved Landscape Management, reference no. 4020, or in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

14. Retained Trees

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

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

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

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any

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

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

15. Hedges and Hedgerows

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

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

16. Ecology

The measures detailed in the sections of the approved Ecological Appraisal, reference no. 23291 rev. V2, dated March 2024 listed below, must be implemented on site.

Sections:

- a) S6.4 Avoidance Measures
- b) 6.5 Mitigation Strategy
- c) 6.6 Compensation Scheme.

Thereafter the mitigation works shall be retained on site in perpetuity

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

17. Noise Assessment

The development hereby approved shall be carried out in accordance with the approved Noise Assessment reference no. NJD23-0187-001R, dated March 2024. 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.

18. Renewable Energy

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

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

19. 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.

20. Nutrient Mitigation Scheme – Credits or Suitable Alternative

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

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

Reason for Approval

The analysis of the development determines that the proposals are for a sustainable development, which will assist in economic growth in the town. The proposed layout

and dwellings are of a high quality design and would provide a pleasant and sustainable environment offering a good mix of dwelling types. There are no statutory objections to the proposal in terms of the sustainability of the site or the ability to meet necessary flood, ecology, highways and noise mitigation.

The application site is an allocated site within the approved Housing Local Plan. It meets the requirements of policy H27 other relevant local policies (DC1, CS4, CS5), the Stainton and Thornton Neighbourhood Plan and national policies.

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

INFORMATIVES

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

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

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

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

buildingcontrol@middlesbrough.gov.uk.

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

- **S106**
This permission is subject to an agreement under section 106 of the Town and Country Planning Act 1990 as amended.
- **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.
- **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.
- **Site Contamination**
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
- **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.
- **Dilapidation Survey**
Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused. Under the terms of the 1980 Highways Act Middlesbrough Council will seek to recover any expenses incurred in repairing or making good such damage. The applicants are therefore strongly advised to carry out a joint dilapidation survey with the authority prior to and upon completion of, works on site. (01642 728156)
- **Deliveries to Site**
It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction then early discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so as to mitigate the effect of the obstruction to the general public.
- **Cleaning of Highway**
The applicant is reminded that it is the responsibility of anybody carrying out building work to ensure that mud, debris or other deleterious material is not deposited from the site onto the highway and, if it is, it shall be cleared by that person. In the case of mud being deposited on the highway wheel washing facilities should be installed at the exit of the development.
- **Protect Existing Footpaths/Verges**
Measures must be taken to protect existing footpaths and verges being damaged by site vehicles.
- **Wildlife and Countryside Act**
The applicant is reminded that under the Wildlife and Countryside Act 1981 it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August. Trees and scrub are present on the application site should be assumed to contain nesting birds between the above dates unless a survey has shown conclusively that nesting birds are not present.
- **Protected Species**
The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning consent for a development does not provide a defence against prosecution under wildlife protection legislation. You are advised that it may be necessary before development commences, for the applicant to commission an ecological survey from a suitably qualified and experienced professional to determine the presence or otherwise of such protected species. If

protected species are found to be present, Natural England should be consulted.

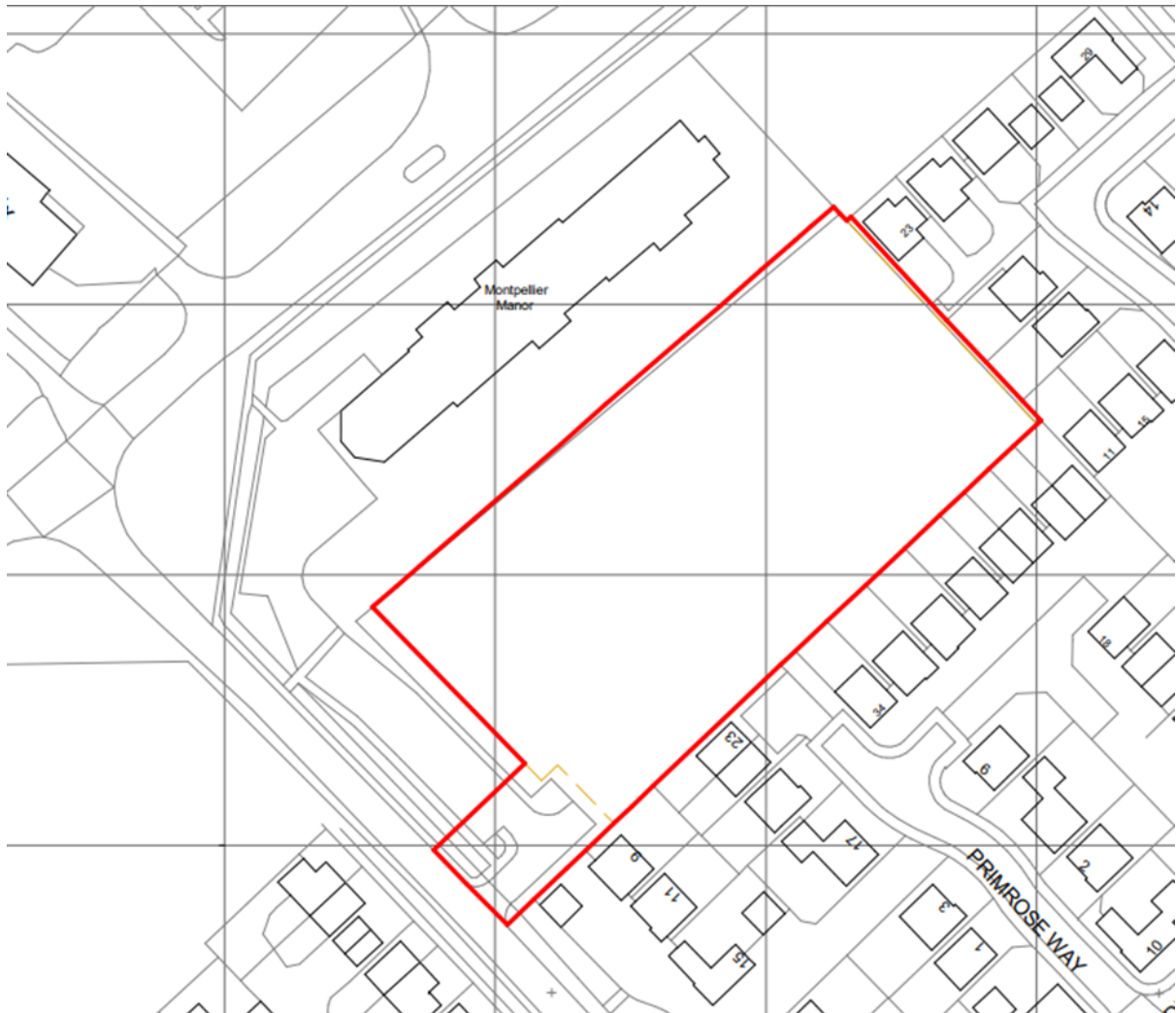
- Discharge into Watercourse/Culvert
The applicant is advised that any discharge of surface water into a watercourse or culverted watercourse requires consent from the Local Authority.
- Sustainable Drainage Systems
Sustainable Drainage Systems (SuDS) should be considered when designing drainage, driveways and car parking areas.

Case Officer: Shelly Pearman

Committee Date: 11th July 2024

Appendices

Appendix 1 - Location Plan



Appendix 2 - Proposed Site Plan



Appendix 3. Example House Types

