
APPLICATION DETAILS

Application No:	24/0056/MAJ
Location:	Grey Towers, Nunthorpe, Middlesbrough, TS7 0PW
Proposal:	39 no. dwellings (including 11 no. additional dwellings and 28 replan)
Applicant:	Mrs Amy Ward
Company Name:	
Agent:	
Company Name:	
Ward:	
Recommendation:	Approve with conditions subject to s106 agreement

SUMMARY

Permission is sought for the erection of 39 dwellings on the Grey Towers housing development site. The site currently has consent for 28 dwellings. This permission seeks to add an additional 11 dwellings increasing the number of dwellings to 39. The wider site currently has permission for 452 dwellings, this application will increase the number of dwellings on the wider site to 463.

Following a consultation exercise, objections were received from residents from 5 properties. No technical objections were received from consultees.

The site is allocated for housing in the Local Plan and there is currently permission for 28 dwellings on the site, 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 that will complement the approved development. The development will not result in a significant detrimental impact on the amenities of existing local residents. The previous application for the site provided localised and strategic mitigation against the impact of the wider development on the local highway network. The traffic generated by a further 11 dwellings will be negligible and cannot be demonstrated to have a material impact on the operation of the network.

The development meets the requirements of the relevant national planning policies detailed within the NPPF, policies CA1, D1, D3 and G1 of the Nunthorpe Design Statement and Local Plan policies, H1, H10, H11, H12, H31, CS1, 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 application site is part of the wider Grey Towers development which is currently under construction. The application site is at the western edge of the wider site. To the north are existing dwellings within the Grey Towers site, and then the Ford Riding housing development site on Brass Castle Lane. To the west is an existing tree belt which separates the site from the Bridlewoods housing development on Brass Castle Lane. To the south is a sustainable drainage feature and existing houses within the wider Grey Towers site. To the east is an area of planting to create a new woodland belt which separates the application site from more dwellings within the wider site.

The site currently has consent for 28 dwellings on the site. This permission seeks to add an additional 11 dwellings increasing the number of dwellings to 39.

The 39 dwellings proposed consist of:

- a) 6no. three bed dwellings;
- b) 31no. four bed dwellings; and,
- c) 2no. five bed dwellings.

The proposed house types include one pair of semi-detached properties with the rest being detached. The majority of the dwellings are two storeys. Three of the dwellings are 2.5 storeys with rooms located in the roof space.

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

Documents submitted in support of the application include:

- Compliance Statement;
- Planning Statement;
- Design and Access Statement;
- Transport Statement;
- Travel Framework Plan;
- Flood Risk Assessment;
- Drainage Strategy;
- Noise Assessment;
- Ecology (Phase 1 Risk Assessment);
- Biodiversity Net Gain Metric and Details;
- Sustainability Appraisal; and,
- Statement of Community Involvement.

The wider site currently has permission for 452 dwellings, this application will increase the number of dwellings on the wider site to 463.

RELEVANT PLANNING HISTORY

23/0505/AMD Non-material amendment to alter specific plots house types
Approve 16th November 2023

22/0209/VAR Variation of condition 2 (Approved Plans), substitution of housetypes for 28 no. plots on application 18/0060/FUL
Approve with conditions 5th July 2022

19/0509/VAR Variation of condition 2 (Approved Plans) on application 19/0328/VAR substitution of housetypes
Approve with conditions 22nd October 2019

19/0328/VAR Variation of condition 2 (Approved Plans) to amend roof types, facing materials, garages and boundary treatments on application 18/0060/FUL
Approve with conditions 25th July 2019

18/0060/FUL Residential development comprising 238 dwellinghouses with associated access and landscaping
Approve subject to s106 Agreement 27th June 2018

M/OUT/0226/11/P Residential development of up to 295 dwellings, community centre & associated access (Outline)
Approve with conditions 15th October 2012

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, H11 - Housing Strategy, NDS - Nunthorpe Design SPD, HGHDC - Highway Design Guide, H31 - Housing Allocations, H12 - Affordable Housing, H28 - Land at Grey Towers Farm, CS18 - Demand Management, CS19 - Road Safety, H10 - Nunthorpe, CS6 - Developer Contributions, 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

Following a consultation exercise, including letters to nearby residents, site notices and a press notice, objections were received from 5 properties. The objections are summarised below.

Resident objections:

- a) Increase in traffic;
- b) Increase in parking on highway;
- c) Single width drives not adequate;

- d) Impact on highway safety and safety of residents;
- e) Increase in noise;
- f) Loss of privacy;
- g) Impact on design and appearance;
- h) House types and materials not in keeping;
- i) Small houses not appropriate on the site;
- j) Overbearing impact;
- k) Loss of green space;
- l) Environmental Impact;
- m) Inadequate local services; and,
- n) Inaccurate existing plans submitted.

Received from:

- 1. 14 Sinderby Lane;
- 2. 20 Sinderby Lane;
- 3. 22 Sinderby Lane;
- 4. 24 Sinderby Lane; and,
- 5. 28 Sinderby Lane;

Planning Policy – MBC

The site is allocated for housing in the Local Development Plan and the site benefits from extant permission for 28 dwellings therefore, the principle of residential dwellings on the site has been accepted.

The proposed development is contrary to Policy H1 in relation to the maximum number of dwellings identified for Nunthorpe. The proposed development is also contrary to Policy H28 in relation to the maximum number of dwellings identified for Grey Towers Farm. The conflict with these policies will need to be balanced against the material planning consideration that previous planning permissions for the wider site have been granted where these conflicts existed and with changes to National Policy in relation to restricting the density on a site.

Highway Authority – MBC

No objections are raised to the proposals. Standard conditions applied to previous applications are required.

Local Flood Authority – MBC

No objections.

Environmental Health – MBC

No comments

Waste Policy – MBC

Middlesbrough Council does not collect waste/recycling receptacles from shared drives. The residents serviced by shared drives will be required to make their waste/recycling receptacles available for collection by bringing them to the nearest public highway. Middlesbrough Council are not allowed to drive on shared drives.

Secured by Design – Cleveland Police

Cleveland Police encourages applicants to build/refurbish developments incorporating the guidelines of Crime Prevention Through Environmental Design (CPTED).

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)
This includes garage doors.
- Dusk til dawn lights are recommended to each elevation with an external door-set.
This also includes garage doors.

- 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%. This includes the proposed shared surfaces.
- Proposed boundary treatments as outlined are recommended to be slightly altered. All proposed 1.8m high treatments onto public realm are recommended to be raised to 2.0m in height.
- The proposal to have dwellings orientated with frontage onto open land is to be recommended.

Cleveland Fire Brigade

Cleveland fire Brigade offers the following representations regarding the development as proposed.

As per the plans there seem to be several shared driveways. 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. The shared driveways need to be able to take the weight of the appliances above.

However Access and Water Supplies should meet the requirements as set out in: Approved Document B, Volume 1:2019, Section B5 for Dwellings.

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.

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.

Northumbrian Water

No response

Northern Powergrid

No response

Northern Gas

No response

Ward Councillors

No response

Nunthorpe Parish Council

No response

Nunthorpe Community Council

No response

PLANNING CONSIDERATION AND ASSESSMENT

1. The planning application before Members is a full application for the development of 39 dwellings and associated works including roads, drainage and landscaping. The site is an allocated site for housing in the Housing Local Plan and permission has previously been given for housing on the site. As a result the principle of dwellings on this land has been established. This application is for a re-plan of 28 dwellings (as the site currently has consent for 28 dwellings). The remaining 11 dwellings are additional dwellings. A total of 452 dwellings are approved for the Grey Towers site as a whole. This application seeks to raise the total number of properties to 463. This application will consider the principle of a further 11 dwellings on the site in planning policy terms and the highways implications, and the detail of the 39 dwellings proposed in terms of the drainage infrastructure, landscaping, appearance, scale and the site layout.
2. During the application process revised plans were received in response to comments raised by consultees and the planning officer. The revised plans made some alterations in relation to the position of boundary treatments and refuse collection points. The revised details also correct an error on the plan in relation to existing properties around the site to ensure they are accurate. The revised plans are the subject of this report.

Principle of Development

3. The application site is part of the wider Grey Towers site allocated in the Housing Local Plan for residential development where Local Plan Policy H28 applies.
4. Policy H1 identifies Land at Nunthorpe as a strategic housing location, for a maximum of 600 dwellings. Policy H11 identifies Nunthorpe for 595 dwellings, which includes Grey Towers Farm (within which the application site lies) (295 dwellings), South of Guisborough Road (250 dwellings) and Ford Close Riding Centre (50 dwellings), as allocated in Policy H31.
5. 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.

6. 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 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.
7. As such, it would not be appropriate to refuse a planning application solely on the grounds that the proposed number of dwellings exceeds the maximum figure stated in the Local Plan Policies. The principle of a higher number of dwellings at Grey Towers Farm than the maximum figure set out in Policy H28 has already been established through extant planning permissions.
8. In terms of types of housing, Policy H10 seeks to ensure that residential schemes at Nunthorpe reflect the high quality executive and three and four bedroom detached and semi-detached dwellings that exist within the surrounding area. Policy H11 seeks the provision of higher value housing at the strategic Nunthorpe site. Policy H28 requires that development proposals at Grey Towers Farm provide a bespoke executive residential development based on an approximate target density of seven dwellings per hectare that is centred around three character areas (a village core, village streets and houses in landscape) which are different, distinct and interlinked.
9. The outline permission, M/OUT/0226/11/P for 295 dwellings on the 41.39 hectare site at Grey Towers Farm would have represented a development of 7.1 dwellings per ha. With subsequent permissions, the density of development that has planning permission has risen to 10.9 dwellings per ha across the allocation site. The proposed development would take the density of the overall site to 11.2 dwellings per ha. The proposed development is, therefore, contrary to Policy H28 with regard to density of development. The principle of development at a density of more than seven dwellings per ha has, however, already been established through extant planning permissions. Whilst the proposed development would be at a density higher than the target indicated in Policy H28, the density of the site is still considered to be low and it is considered that it would not appear as an unduly dense development, having regard to the surrounding housing and levels of adjacent open space.
10. The proposed dwellings are not executive dwellings, which is acknowledged by the applicant, and are, therefore, contrary to Policy H28. The principle of an element of non-executive dwellings at the Grey Towers Farm site has, however, already been established by previous planning permissions for the site. The proposed dwellings consist of a mix of three to five bedroom dwellings, which with the exception of a pair of semi-detached dwellings are all detached. The use of a small number of smaller properties offers an enhanced choice across the wider site and provides opportunities for those who want to live in a high quality development which boast significant landscaped areas but do not want a large property.
11. Although the proposal is contrary to Policy H28 consideration needs to be given to providing housing to meet needs and balancing the policy requirements in the Plan. The National Planning Policy Framework (NPPF) makes clear that when local

planning authorities assess residential schemes they should take account of the need to deliver a wide choice of high quality homes, widen opportunities for different types of home ownership, and plan positively for the achievement of high quality and inclusive design for all development. In addition, the NPPF states that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.

12. Policy CS5 requires all development to demonstrate a high quality of design in terms of layout, form and contribution to the character and appearance of the area. Policy DC1 similarly requires that the visual appearance and layout of the development and its relationship with the surrounding area is of high quality and that the amenity of occupiers of adjoining dwellings is protected. Consideration should be given to whether the design of the dwellings proposed are in keeping with those approved on the wider site.
13. Policy H12 requires 15% of dwellings to be affordable in Nunthorpe ward. Policy H28 reiterates the requirement for 15% of dwellings to be affordable and advises that these can be either provided on site or as an equivalent off-site financial contribution. It is the intention of the applicant to meet this requirement through an off-site financial contribution, which can be secured through an appropriate s106 agreement. Paragraph 66 of the NPPF requires that at least 10% of dwellings shall be affordable home ownership.
14. Policy H28 also requires that development provides any necessary off-site improvements to transport infrastructure; provides off-site contributions to community facilities.
15. Policy CS17 requires that development is located where it will not have a detrimental impact on the operation of the strategic transport network. Policy CS18 requires that development proposals incorporate measures that improve the choice of sustainable transport options available and Policy CS19 requires that development proposals would not have a detrimental impact upon road safety. The proposed development has direct pedestrian access into the network of pavements and footpaths that connect the wider Grey Towers housing development with the surrounding area to encourage walking.
16. The Nunthorpe Design Statement is relevant to the consideration of this planning application. Policy CA1 seeks development layouts and designs that are sympathetic and reflect the surrounding urban grain. Policy D1 encourages high quality contemporary architecture. Policy D3 encourages the use of high quality sympathetic materials in new developments. Policy G1 seeks to maintain Nunthorpe as a green and leafy suburb, including landscape design that forms a key aspect of the layout, form and urban design quality of new development.

Highways.

17. Development proposals seek to substitute a number of housetypes within the Phase 6 element of the previously approved Grey Towers Farm development. These house type changes and reconfiguration of the layout of this phase results in an increase of 11 dwellings over that previously considered and approved. An increase on this application site from 28 to 39 and on the wider Grey Towers site from 452 to 463. Access arrangements for the phase and wider development remain unchanged.

18. The application has been supported by a Transport Statement which uses the same methodology with regards to trip generation as the previously considered and consented schemes. This methodology utilised survey data from the occupied element of the development. The subsequent trip rate established is appropriate and comparable to both the TRICS database and a survey of another site in Middlesbrough.
19. Paragraph 115 of the NPPF states that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” Based upon this evidence based approach the 11 additional dwellings will generate 6 two-way vehicle movements during the AM/PM highway peak periods. These peak periods are when the highway network is at its most sensitive. Such an increase in traffic equates to in the region of 1 vehicle every six minutes. Once this traffic is distributed onto the highway network and passes through adjacent junctions/takes different routes the impact is further reduced. When considering existing traffic flows and future traffic flows (which take into account the consented number of units on the development) the impact cannot be demonstrated to be significant or severe when assessed against the NPPF. The traffic generated by a further 11 dwellings will be negligible and cannot be demonstrated to have a material impact on the operation of the network.
20. The internal highway layout has not materially changed from that considered and approved previously and will be designed and constructed to MBC standards and offered for adoption. The in curtilage parking provision exceeds the maximum standards set out in the Highways Design Guide and managed areas of on-street casual caller/visitor parking have been provided.
21. There are existing public rights of way and bridleways at, and adjacent to the wider site. The developer has agreed to the dedication of a series of rights of way, bridleways and cycle paths throughout the Grey Towers development connecting the different landscaped areas and woodlands in the site, linking to the existing rights of way, bridleway and cycle network outside the site. The proposed development retains the links and connections approved previously on the site.
22. 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.

Flood Risk

23. 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.
24. The sustainable drainage scheme has been approved as part of the wider development. It is incorporated into the landscape to provide a high quality green environment which features including a pond and swales and will mitigate against flooding at the site.

25. Whilst the proposed development increases the number of dwellings from 28 to 39 the site impermeable area has been marginally reduced from 0.78ha to 0.76ha. Therefore, there is no change to any flood risks associated with the proposed development when compared to the approved development. The drainage strategy remains un-affected and no changes to the master plan drainage scheme is proposed.
26. The Local Flood Authority and Northumbrian Water have been consulted on the submitted flood risk assessment and drainage details and have no objections subject to relevant conditions. The development is considered to be in accordance with the requirements of Policies DC1 and CS4.

Environmental Matters

27. The application has been submitted with supporting documents assessing air quality, noise in relation to the surrounding highways and site contamination. Environmental Health have confirmed that they have no comments on the development as matters relating to noise, air quality and site contamination have already been dealt with as part of the wider site approvals.

Amenity

28. Objections have been received in relation to the number of properties that overlook the existing dwellings at the site. The revised layout results in one additional dwelling being located on the northern boundary of the site opposite existing dwellings, and one additional dwelling located on the southern boundary of the site opposite existing dwellings. The majority of the additional dwellings are positioned so that they face the woodland belts to the east and the west and the landscaped area to the southwest.
29. The proposed development has not changed the separation distances with existing residential dwellings in the Grey Towers site or the distances between the proposed dwellings, they remain as previously approved. It is considered that one additional property located opposite existing properties will not significantly alter the relationship with the existing dwellings or reduce their privacy. As a result the proposed layout and number of properties proposed will not have a significant detrimental impact on the privacy, or light of existing properties or the proposed properties.
30. Objections have been received in relation to the size of the dwellings being smaller and therefore of a reduced quality. The proposed dwellings either meet, or in the majority of cases exceed the government's space standards for new dwellings offering good amenity for the residents which is considered to contribute towards a high quality scheme.
31. It is considered that the development will not have a detrimental impact on the amenity of any existing residents, and the layout will ensure that new residents have adequate levels of amenities. The development is considered to be in accordance with the requirements of Policy DC1 and CS5.

Design

32. The proposed layout has not significantly changed as a result of the proposed replan including an additional 11 dwellings. The layout retains the high quality design

elements which have been implemented through the wider site. These include landscaped front gardens with boundary treatments that are in keeping with those approved in the surrounding areas both in terms of appearance and location. Separation of footpaths from the road and where possible removal of footpaths to reduce the extent of hard surfacing. Drives are located to the side or rear of properties and on-street visitor bays are in landscaped settings.

33. The proposed dwellings are located within the footprint of the previous phase. This scheme will retain the same level of public open space (opened landscaped areas, woodland and suds features) as the previously approved scheme. Importantly the increase in property numbers is achieved through the reduction of individual plot sizes within this part of the development.
34. The design of the dwellings proposed are in keeping with those approved on the wider site and examples of the dwellings can be seen completed on the site. The dwellings continue to take cues and characteristics from the North Yorkshire design ethos that is prevalent across the entire Grey Towers development. The use of varying boundary treatments, landscaping strategies and the fenestration, finishing materials and roof types link the proposed development with the earlier phases. As a result, although the development is higher density, it does not stray from the character and appearance of the approved development. It maintains the public space and therefore the key character principles of the overall Grey Towers development as originally envisaged has been maintained so that it is not considered to be out of keeping or to detract from the character of the area. The increase in numbers can be achieved without diluting the design principles upon which the development is based.
35. The proposed housetypes are of a good size in accordance with or exceeding government space standards. 9 house types are proposed, comprising 31no. four bed dwellings, 2no. five bed dwellings and 6no. three bed dwellings. The proposed housetypes incorporate various design details including hipped and gable roofs, bargeboards, soffits, decorative porches, and stepped elevations. The finishing materials proposed are the same as or reflect those approved for use in the wider site including both brick and stone. The design details and finishing materials result in a high quality appearance of the dwellings and the streetscene. Statement dwellings and corner turners have been located at prominent positions throughout the site to further enhance the streetscene and the quality of the development.
36. 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.
37. Previous applications for this site have been subject to conditions removing all permitted development rights for the residential dwellings. The removal of permitted development rights will enable the Local Planning Authority to further control alterations and extensions to the dwellings following their completion. This ensures that the high quality designs of the dwellings, and their relationship with their neighbours and landscaped areas are retained. For this reason it is considered that permitted development rights should also be removed for this development.

38. The proposed dwellings are considered to be high quality design in accordance with the requirements of Policies DC1, CS4 and CS5 of the local plan and policies CA1, D1, D3 and G1 of the Nunthorpe Design Statement.

Streetscene

39. The dwellings have been orientated to provide a maximum benefit from views over the open spaces and landscaped areas, with existing and new rights of way, cycle paths and bridleways penetrating the site connecting the properties to the landscaped and wooded areas and the wider right of way network. Statement dwellings have been located at prominent positions throughout the site to further enhance the streetscene and quality of the development.
40. The majority of the dwellings proposed are detached dwellings, however the development includes 1 pair of semi-detached dwellings. These dwellings have been designed so that they are in keeping with other dwellings on the wider site, as a result they will not appear overly different from the rest of the dwellings on site in terms of their appearance on the streetscene.
41. The layout incorporates secured by design principles with properties facing onto open areas and walkways providing high levels of natural surveillance. Future residents will also benefit from the open aspects.
42. It is considered that the development will not have a significantly adverse impact on the character and appearance of the area and will result in an attractive green streetscene to the benefit of existing and future residents. The development is in accordance with the requirements of Policies CS4 and CS5.

Biodiversity Net Gain (BNG)

43. Since April, BNG has become a mandatory requirement under Schedule 7A of the Town and Country Planning Act 1990. All relevant applications must deliver a BNG of 10%, which means that development will result in a more or better quality natural habitat than there was before development.
44. The application has been supported by a Biodiversity Net Gain Report. The report notes that there has been degradation of habitat on the site since the commencement of development on the wider Grey Towers site. As a result historic imagery and documents were used to establish a baseline in 2018 prior to any works on the site.
45. The Biodiversity Statement establishes the site's baseline biodiversity unit value of 5.09 habitat units and 0.46 hedgerow units. Following completion of the development the site will generate 1.29 habitat units and 0.44 hedgerow units, representing a loss of 74.48% in habitat units and 4.5% in hedgerow units respectively.
46. To ensure compliance with the mandatory 10% biodiversity regulations, and in accordance with the biodiversity gain hierarchy, opportunities to achieve a 10% biodiversity gain for the development have been examined in a desk-based review of sites within immediate proximity to the development and within the clients control/ownership. It is estimated that these combined offsite areas generate 4.69 habitat units and 0.09 hedgerow units.

47. When considering the units created offsite (but within the wider Grey Towers development to offset the losses onsite) it is considered possible to achieve a 17.29% net gain in habitat units and 15.79% net gain in hedgerow units (and that meet Trading Rules) for the development and thus meeting mandatory Biodiversity Regulation requirements.
48. These figures are based on a desk-based assessment and a separate Habitat Bank registration process for these sites will establish exact biodiversity units that can be achieved, and where and how they can be achieved. It is the developer's intention to create the Grey Towers biodiversity gain requirement to meet the mandatory 10%. Any additional Units will not be registered as a Habitat Bank for this development. The trading rules for this project are currently satisfied.
49. It is the planning view that a combination of onsite and offsite works in the wider Grey Towers site can provide the minimum 10% net gain required and this can be detailed in the biodiversity gain plan that will be submitted to discharge the standard BNG condition. In addition, a s106 agreement will secure a maintenance plan to give comfort to the LPA that the BNG can be achieved for the minimum 30 years.

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.

Section 106 Agreement

57. A financial contribution for education facilities of £750,000 was required as part of the original outline consent for the site. The additional dwellings on the site do not result in a need for a further contribution beyond that already agreed.
58. A contribution of £200,000 has been made towards Marton library as a result of the original s106, it is considered that a further contribution is not required as a result of the additional 11 dwellings proposed.
59. The Local Highway Authority have confirmed that an increase of 11 dwellings on the site has a negligible impact on the highway network. As a result, it is not considered to be reasonable to seek a further financial contribution towards highway mitigation.
60. Financial contributions are being sought towards offsite affordable housing and community facilities as a result of the proposed development. These will be secured through a section 106 agreement.
61. The affordable housing contribution of £200,052.85 will equate to the provision of 2 properties offsite which represents 15% of the additional 11 dwellings. Contributions for affordable housing from the 28 dwellings that are a replan as part of this application have already been sought through previous applications, therefore a further contribution is not required.
62. The community facilities contribution of £10,000 will be provided towards the provision and/or improvement of community facilities serving the Nunthorpe area.

Other Matters

Non-material Planning Considerations

63. 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; existing covenants on the estate, reduced property value, no direct consultation was received from the developer and the proposed layout is not what they were sold when buying their house.

Social and Economic Benefits

64. 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.

Conclusion

65. 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. Significant landscaped areas on the wider site are unaffected by the proposed replan and additional dwellings and will enhance ecological potential and will benefit the wider community. The development can achieve the required 10% biodiversity net gain with a combination of onsite and offsite works. 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.
66. The application site is an allocated site within the approved Housing Local Plan. Although the additional dwellings conflict with some elements of Policy H28 it meets the other requirements of this policy and other relevant local and national policies. On balance the conflict with policy H28 does not outweigh the social, economic and environmental sustainable benefits of the development.
67. 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.

RECOMMENDATIONS AND CONDITIONS

Approved subject to a s106 agreement and the conditions and informatives set out below.

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 (Coloured Masterplan), drawing no. NE-15-07 L;
- b) Planning Layout, drawing no. NE29 600-01 rev. E;
- c) Materials Layout, drawing no. NE29 600-02 rev. C;
- d) Boundary Treatments, drawing no. NE29 600-05 rev. C;
- e) Refuse Strategy, drawing no. NE29 600-04 rev. C;
- f) Parking Layout, drawing no. NE29 600-03 rev. C;
- g) House Type Brochure, Grey Towers ph.6, received 12th February 2024;
- h) Lutterworth Det Floor Plans and Elevations, received on 27th June 2024;
- i) Biodiversity Net Gain Statement & Assessment, reference no. BIOC23-144 v2.0;
- j) Grey Towers Village, Phase 6, Transport Statement, report no. 0001.1 dated 28/02/2024;
- k) Validation Survey Results, reference no. 1988.3A;
- l) Flood Risk Assessment, reference no. 1016512-C-RPT-001 rev. E;
- m) Proposed Drainage Layout Phase 6, drawing no. CLXX(52)4012-1 rev. P;
- n) Proposed Drainage Layout Phase 6, drawing no. CLXX(52)4012-2 rev. Q;
- o) Drainage Details, drawing no. CLXX(52)5021 rev. B;
- p) Drainage Details, Sheet 2 of 2, drawing no. CLXX(52)5021.2 rev. C;
- q) Foul Water Longsections POD A & B, drawing no. CLXX(52)5046 rev. E;
- r) Surface Water Longsections POD A & B, drawing no. CLXX(52)5041 rev. E;
- s) Proposed Attenuation Ponds Plans and Typical Cross Sections, drawing no. CLXX(52)5011 rev. E;
- t) Manhole Schedule, Phase 6, drawing no. CLXX(52)5001 rev. H;
- u) Proposed Attenuation Pond Details, drawing no. CLXX(52)5012 rev. D;
- v) Phase 6 Surface Water Cals, reference no. 1016512-CALC-SW-0001, dated 11.01.2024;
- w) Proposed External Levels, Phase 6 / POD B, Sheet 1, drawing no. CLXX(90)4002-1 rev. N; and,
- x) Proposed External Levels, Phase 6 / POD B, Sheet 2, drawing no. CLXX(90)4002-2 rev. P.

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

3. Materials - Approved Details

The development hereby approved shall be carried out in complete accordance with the external finishing materials detailed in the approved Materials Layout, drawing no. NE29 600-02 rev. C, or in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

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

4. 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.

5. Car and Cycle Parking Laid Out

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

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

6. Surface Water Drainage Approved Details

The development shall not be occupied until the surface water drainage works have been implemented in accordance with the approved details listed below, or in accordance with details to be submitted to and approved in writing by the Local Planning Authority, which follow the principles as outlined in the Flood Risk Assessment, reference no. 1016512-C-RPT-001 rev. E and restricts surface water discharge from the development to a greenfield runoff rate of 5 l/s or as specified by the LLFA.

- a) Flood Risk Assessment, reference no. 1016512-C-RPT-001 rev. E;
- b) Proposed Drainage Layout Phase 6, drawing no. CLXX(52)4012-1 rev. P;
- c) Proposed Drainage Layout Phase 6, drawing no. CLXX(52)4012-2 rev. Q;
- d) Drainage Details, drawing no. CLXX(52)5021 rev. B;
- e) Drainage Details, Sheet 2 of 2, drawing no. CLXX(52)5021.2 rev. C;
- f) Foul Water Longsections POD A & B, drawing no. CLXX(52)5046 rev. E;
- g) Surface Water Longsections POD A & B, drawing no. CLXX(52)5041 rev. E;
- h) Proposed Attenuation Ponds Plans and Typical Cross Sections, drawing no. CLXX(52)5011 rev. E;
- i) Manhole Schedule, Phase 6, drawing no. CLXX(52)5001 rev. H;
- j) Proposed Attenuation Pond Details, drawing no. CLXX(52)5012 rev. D;
- k) Phase 6 Surface Water Cals, reference no. 1016512-CALC-SW-0001, dated 11.01.2024;
- l) Proposed External Levels, Phase 6 / POD B, Sheet 1, drawing no. CLXX(90)4002-1 rev. N; and,
- m) Proposed External Levels, Phase 6 / POD B, Sheet 2, drawing no. CLXX(90)4002-2 rev. P.

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

7. Biodiversity Gain Plan

The development hereby approved shall not commence until a Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: As required under the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990.

8. Landscape Management Plan

A Landscape Management Plan including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the first occupation of the approved dwellings. The Landscape Management Plan shall be carried out as approved.

Reason: In the interests of the general amenities of the area.

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.

9. 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.

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. 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.

12. PD Rights Removed Extensions/Alterations and Outbuildings

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 additions or alterations to the roof, nor shall any ancillary buildings be erected in the curtilage of any property (other than those expressly authorised by this permission) 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.

13. Water Consumption

Water usage will be limited to 115 litres/person/day as measured in accordance with a methodology approved by the Secretary of State.

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

14. 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 proposed development of housing at Grey Towers is considered to be appropriate for both the application site itself and within the surrounding area, in that the proposal is in accordance with national and local planning policy.

The relevant policies and guidance is contained within the following documents: - National Planning Policy Framework 2012 - Middlesbrough Local Development Framework (LDF) - Core Strategy (2008); Regeneration DPD and Proposal Map (2009) - Middlesbrough Housing Local Plan, Housing Core Strategy, Housing Development Plan Document (2014) and the Nunthorpe Design Statement (2011).

In particular, the proposal meets the national planning policy framework and

guidance, in that the proposal is for a housing development that would not be out of scale and character within the surrounding area and would not be detrimental to the local and residential amenities of the area. Issues of principle regarding development on an allocated site, the layout and design of the housing scheme and the generation of traffic, have been considered fully, including those set out in the representations made by nearby residents, and are not considered, on balance, to give rise to any inappropriate or undue affects. Accordingly, the Local Planning Authority considers that there are no material planning considerations that would override the general assumption that development be approved unless other material factors determine otherwise.

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.
- 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 Council's 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.

- **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.

- **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.

Case Officer: Shelly Pearman

Committee Date: 11th July 2024

Appendices

Appendix 1 Location Plan



Appendix 2 Proposed Layout



Appendix 3 Example of House Types

