
APPLICATION DETAILS

Application No:	20/0004/FUL
Location:	Former St David's School Acklam, Middlesbrough TS5 7EU
Proposal:	Demolition of existing caretaker's property and erection of 139 dwellings with associated improvements to St David's Way, including access widening and landscaping
Applicant:	Mrs Amy McFaulds
Company Name:	Avant Homes (North East)
Agent:	Miss Hannah Chapman
Company Name:	Hedley Planning Services
Ward:	Kader
Recommendation:	Approve with Conditions

SUMMARY

The application seeks planning consent for the erection of 139 dwellings with associated access works, landscaping and infrastructure on the former St David's School site in Acklam.

Following consultation, there have been 25 letters of objection received from nearby residents and 1 letter of support with an objection from Councillor Arundale.

The objections and concerns are based on matters including density of the development, loss of privacy and impact on residential amenity, impact on character and appearance of area and heritage, impact on wildlife, traffic issues including congestion and highway safety, noise and traffic impacts during construction works, flood and sewerage risks, increased demand on local school provision and revisions made to the scheme following the public consultation event.

It is considered that the proposed development will provide a good mixture of dwelling types which are of a high quality design and materials that reflect the existing character of the area, whilst not detracting from the historic importance of both Acklam Hall and the Avenue of Trees. The site layout provides areas of attractive landscaping throughout the site along with an open space area including a trim trail. The development will not result in no notable detrimental impact on the amenities of the existing residents. Highway works to the proposed access road at St David's Way alongside the proposed cycleway/footpath linkages between Hall Drive and Acklam Road are considered to provide a significant public benefit to the scheme.

The development meets the requirements of the relevant national planning policies detailed within the NPPF and Local Plan policies, specifically H1,H11,H12,H31,H34,CS4, CS5,CS6,CS17,CS18,CS19, DC1, REG37 and E3.

The recommendation is for approval of the application subject to conditions and the entering into a S106 agreement.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The site is located off Hall Drive at the southern end of St David's Way, just outside of the Acklam Conservation area boundary. To the north is Cowley Road and Adcott Road and to the west and south are Bewley Grove and Acklam Road. The Avenue of Trees provides the eastern boundary of the site and is within the Acklam Conservation area. The application site is within the vicinity of the Grade 1 Acklam Hall sited to the north across Hall Drive but does not form part of the immediate setting of this listed building.

The site itself comprises of 6.22 hectares. The original school building has been demolished with the former caretaker's property and substation remaining within the north-east corner of the site alongside the existing car park hard standing.

The proposal is for the erection of 139 dwellings that will comprise of 2, 3 and 4 bedroomed properties. The house types will be a mixture of terraced, semi-detached and detached dwellings and will include semi-detached and detached affordable bungalows.

The 139 dwellings proposed consist of :-

- a) 14 x 2 bedroomed dwellings; and
- b) 54 x 3 bedroomed dwellings
- c) 5 x 3 bedroomed bungalows
- d) 66 x 4 bedroomed dwellings

The site layout includes an area of open space to the north of the site to include a trim trail. Running from west to east across the site is a footpath/cycle path link between St David's Way/Hall Drive and Acklam Road which is surrounded by additional landscaping.

Highway improvement works will be undertaken to bring St David's Way up to adoptable standards. The works include 9 visitor parking bays, 3 metre wide pedestrian cycle path, removal of the plateau table at the junction of Hall Drive and St David's Way, being replaced by two speed cushions and the realignment of the kerbs at the junction with Hall Drive and resurfacing works.

Drainage provision within the site will include the installation of a dual pumping station with concrete attenuation tank system and link into the existing network north of the site.

A section 106 agreement has been agreed for contributions to replacement playing fields, highways in the form of 2 real time bus stops and towards the strategic networks and off site affordable housing.

With the provision of 5 on-site affordable houses and the highway improvements to St David's Way.

Documents submitted in support of the application include:-

- Construction Method Statement
- Air Quality Assessment
- Arboricultural Tree Constraints Assessment

- Archaeological Desk Based Assessment
- Bat Survey
- Design and Access Statement
- Heritage Statement
- Flood Risk Assessment
- Drainage Strategy
- Travel Plan
- Transport Assessment
- Geoenvironmental Appraisal
- Noise Impact Assessment
- Planning Statement
- Preliminary Ecological Appraisal
- Statement of Community involvement

PLANNING HISTORY

Previous planning history for the site includes;-

M/FP/1375/08/P –Retention of portable classroom building approved under M/GRG/1222/06/P, approved September 2008

M/GRG/1222/06/P – 1 No mobile classroom unit on the playing field, approved July 2006

M/FP/0454/04/P - 2.4 metres high palisade fencing, approved April 2004

M/FP/2949/03/P- 5 no single storey extensions including internet café and garage, approved November 2003

M/FP/0341/03/P – New 17 space car parking area and bus bay adjacent to tennis courts, approved March 2003

PLANNING POLICY

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

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

Middlesbrough Local Plan

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

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

- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).

National Planning Policy Framework

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

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

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

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

H1 - Spatial Strategy
H11 - Housing Strategy
H12 - Affordable Housing
H31 - Housing Allocations
H34 – St David’s (Former RC School Site)
CS4 - Sustainable Development
CS5 - Design
CS6 - Developer Contributions
CS17 - Transport Strategy
CS18 - Demand Management
CS19 - Road Safety
DC1 - General Development
REG37 - Bus Network
E3 - Dev adjacent to Green Wedge or POS
UDSPD - Urban Design SPD
Middlesbrough Council Playing Pitch Strategy 2019
Tees Valley Design Guide Specification

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

CONSULTATION AND PUBLICITY RESPONSES

Consultation letters were sent to local residents, a press notice issued and site notices posted around the site. Further consultation was undertaken on the revised plans. The comments below are in response to the original and revised plans.

Objections have been received from residents at 25 properties with 1 letter of support. The objection comments are summarised below.

Density

- a. Dwelling numbers higher than the 115 detailed in Local Plan
- b. 20% increase in the number dwellings stated in the Local Plan, produced by Council officers and approved by Members
- c. Density not taken into account area required for SUDs and when this is applied the 139 units equates to 23 per Ha which does not equate to high quality housing.
- d. Too compact with insufficient landscaping/green space or children's play area.
- e. Density of development means require better and safer infrastructure
- f. No requirement for additional houses in Acklam
- g. Number of dwellings on site could increase in order to sell the properties as has happened on other sites

Amenity

- h. Overlooking/privacy issues to existing residential properties
- i. Overshadowing issues
- j. Loss of privacy during construction and potential buyers
- k. Noise pollution, dust, smells and vibration from construction
- l. Light Pollution
- m. Out of hours operations and 4 year build rate will have significant impact on amenity of the neighbouring properties through construction noise
- n. Loss/impact on views
- o. Security issues with an open site and new road linkage to the rear of existing properties. Request a 7 foot boundary fence
- p. Security/ anti-social behaviour issues through SUDS design / trim trail areas and benches to the rear of properties on Cowley Road, public access should be limited.
- q. Proximity of bungalows and rear living areas will impact on the existing properties. Intrusive day and night, light, noise pollution.
- r. Height of roofs of bungalows leaves it open for conversion of loft space into rooms, loss of privacy.
- s. 4 bedroom property to the rear of Adcott Road will block light and impact on privacy
- t. Impact of change of use of land from garden area belonging to the caretakers house to public open space
- u. Request moving the boundary line for the development alongside 24 Cowley Road to resolve light and security issues
- v. Maintenance strip should be provided to allow maintenance of existing boundary fences
- w. Location of Construction compound on the site for 4 years will cause noise pollution, air pollution and privacy issues.

Character and Appearance

- x. Insufficient landscaping
- y. Negative impact on the character of the area by the quality and size of the houses

- z. Bungalows on the site would be more suitable or a reduced number of dwellings
- aa. Three storey dwellings unacceptable as impact on privacy that known since 1930's
- bb. Destroy the historic standing/importance and character of the area the ancient trees surrounding the site which will suffer
- cc. Impact on heritage
- dd. Footpath/cycle way alongside St David's Way will impact on the character of the Avenue of Trees

Ecology/Green Space

- ee. Destroying natural habitat/wildlife area that has developed since school demolished, should be maintained alongside Avenue of Trees
- ff. Impact on wildlife and nesting birds in the spring
- gg. Avenue of Trees is protected by law and any development must surely impinge on this territory
- hh. Existing mesh fence and boundary along The Avenue of Trees should be retained.
- ii. Natural Beauty of Avenue of trees under threat with widening of the access road and increased noise and air pollution
- jj. Environmental impact from increase in vehicles and plant and machinery
- kk. Trees to be removed along the boundary and these should be retained or replaced

Highways

- ll. Traffic increase/impact on Hall Drive and T Junction with Acklam Road with existing queues at peak times (7am-9.30am and 2.30-6pm)
- mm. No consideration of impact of existing new housing development at Acklam Hall or the closure of Church Lane and St Marys on increase in traffic in the area already.
- nn. Travel accessibility survey data is from 2011 prior to the Acklam Hall development which does not take into account the additional 100 cars and so over 400 cars using Hall Drive
- oo. 2011 census shows 72% travel in cars and this is not representative for the additional cars using the Acklam Hall Development
- pp. Increase in traffic on busy access road with cars accessing Marton and Kader Football Club.
- qq. Traffic survey not reflect the reality of extra cars with a 4 bedroomed property having 4 cars
- rr. Increase in traffic hazardous to children, pedestrians and cyclists and emergency vehicle access.
- ss. 200 + cars will add to the existing traffic queues along Hall Drive which already queue to Bewley Grove
- tt. Traffic impact on Tollesby and Glendale Road not considered along with the number of accidents on both these roads.
- uu. Figure 8 shows 3 collisions at Acklam Road and Hall Drive with this junction already having been modified which has had no effect on peak time traffic are there any surveys showing the improved traffic
- vv. Traffic impact along Hall Drive with construction/material delivery vehicles for the 4 year period of the build
- ww. Highway concerns with only one entrance in and out of the site
- xx. Traffic consultant report submitted is employed by the developer and although it may not be wrong is only an opinion.
- yy. Schools along Hall Drive not considered in traffic report, the report writers do not have the same local knowledge of the traffic as residents.

- zz. Traffic issues along Hall Drive acknowledged by Council due to recent works at junction of Hall Drive and Acklam Hall and this will have a negligible effect if this proposal approved.
- aaa. Removal of materials for foundations will result in spillages along Hall Drive and hazardous driving conditions for road users
- bbb. Condition of Hall Drive already poor with pot holes this will worsen the situation.
- ccc. Could the existing traffic light timing be altered so they are in line with each other
- ddd. Damage to Hall Drive from construction vehicles and dirty roads
- eee. Parking issues created by removal of the parking areas along St David's Way
- fff. Extra 500 vehicle journeys after construction vehicles for 5 years per day
- ggg. Increase in use of Hall Drive as a rat run from Acklam Road to Tollesby Road.
- hhh. Traffic counting measures on Hall Drive during Covid 19 will show lower usage than normal
- iii. Improvements to St David's Way will not improve traffic will only allow vehicles to join Hall Drive quicker

Drainage

- jjj. Flood risk as the hard landscaping will reduce the ability for the soft landscaping to absorb the water run-off.
- kkk. Surface water run off already an issue on Acklam Road additional properties will increase the issue
- lll. Existing public highway drains during heavy rain cannot currently facilitate the surface water
- mmm. Insufficient drainage will cause problems with drainage in garden areas at Adcott Road and who will be liable
- nnn. Suds should be relocated along The Avenue of Trees not alongside existing houses as water in the pond attracts vandalism as experienced at Acklam Hall site in the summer
- ooo. Lack of detail on the pumping station shown on the drawings.
- ppp. Existing sewerage system could not cope with the additional houses
- qqq. Sewerage issues as existing drains for Acklam Road are to the rear of these properties

Education

- rrr. Local schools already oversubscribed with no additional provision following the recent houses built in the last 5 years would this land not be better utilised as a school/sport facility.

Residual Issues

- sss. Business profit over improvement to the area
- ttt. Plans differ from those displayed at Acklam Hall consultation event so consultation feedback on the layout of the development and boundary line is misleading
- uuu. Open day attended and left with some questions unanswered on the layout
- vvv. Permitted development rights should be removed for extensions and prevent soft landscaping being altered to hard landscaping
- www. Request made to Council to purchase sections of land to the rear of Adcott Road which was prevented through this application.
- xxx. Covenants on the land established by the House of Lords with conditions on the land being used for development.
- yyy. Devaluation of existing properties

zzz. Led to believe only housing would be placed on the footprint of the old school building and not behind Acklam Road.

Resident objection comments received from :

1. 18 Adcott Road
2. 19 Adcott Road
3. 24 Adcott Road
4. 28 Adcott Road
5. 30 Adcott Road
6. 32 Adcott Road
7. 34 Adcott Road
8. 36 Adcott Road
9. 40 Adcott Road
10. 44 Adcott Road
11. 52 Adcott Road
12. 7 Cowley Road
13. 10 Cowley Road
14. 24 Cowley Road
15. 25 Cowley Road
16. 35 Cowley Road
17. 28 Bewley Grove
18. 25 Bewley Grove
19. 4 Church Drive
20. 421 Acklam Road
21. 425 Acklam Road
22. 443 Acklam Road
23. 447 Acklam Road
24. 46 Adcott Road
25. 68 Hall Drive

Support comment received :-

- a. Will make a lovely addition to the area

Resident support comment received from ;-

1. 10 Ruskin Avenue

Public Responses

Number of original neighbour consultations	99
Total numbers of comments received	33
Total number of objections	25
Total number of support	1
Total number of representations	0

Councillor Arundale

Concerned about the traffic impact on Hall Drive due to this build which I hoped might have been mitigated with a substantial number of bungalows included in the scheme. To add the closure of Church Lane is likely to have increased traffic on Hall Drive making earlier traffic surveys outdated.

Strategic Policy Team – MBC (in summary)

Under Housing Local Plan Policy H34, the former St David's RC School site has been allocated for residential use. The site is a triangular in shape, located south of Hall Drive, east

of Acklam Road, and west of the Avenue of Trees. The site is adjacent to the Acklam Hall Conservation Area. Access to the site is from St David's Way via Hall Drive, and a pedestrian footpath off Acklam Road.

Core Strategy policies CS4 (Sustainable Development), CS5 (Design), CS6 (Developer contributions), CS18 (Demand Management), CS19 (Road Safety) and DC1 (General Development) will apply along with Housing Local Plan policies H1 (Spatial Strategy), H11 (Housing Strategy), H12 (Affordable Housing), CS17 (Transport Strategy), H31 (Housing Allocations) and H34 (St Davids, Former RC School Site)

In addition the Tees Valley Joint Minerals & Waste DPDs (2011) MWC1 –Minerals Strategy and MWP1 (Waste Audits) and the Regeneration DPD policy REG37 (Development Adjoining Green Wedges).

Consideration needs to be given to Middlesbrough Playing Pitch Strategy 2019, and the relocation of the playing pitches, to ensure that playing pitches attached to the former school are accommodated elsewhere in the town.

Although the proposal appears to meet most of the requirements under Policy H34, the applicant does need to demonstrate why there is an increase in the number of units from a policy maximum of 115 to 139, whilst maintaining a high quality, high value residential scheme.

Highways – MBC (in summary)

No objections. The development has been considered in relation to the impact on capacity and the safety of the highway network. Improvement works will be undertaken along St David's Way to bring the highway up to standard and to provide additional designated parking spaces. In addition, developer contributions are required through section 106 agreements for the strategic network and bus stop improvements.

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 addition to in curtilage car parking there are visitor parking bays provided.

No objections are raised subject to relevant conditions.

Local Flood Authority - MBC

Having reviewed the drainage details provided we have no objections to the proposed scheme as long as it is constructed as per the Drainage plan, dated 11/3/2020 (Revision T2) and following the principals as outlined in the Flood Risk assessment, dated December 2019 (Revision A) and the Drainage Strategy, dated April 2020 (Revision C).

Waste Policy- MBC

Properties serviced by shared drives will be responsible for bringing their Refuse and recycling bins to the nearest public highway. Collection vehicles are not authorised to drive on shared drives.

Environmental Protection – MBC

No objections on the revised plans and following the submission of the Dunelm Gas Risk Assessment

Conservation Officer – MBC

This site is allocated for 115 dwellings in Middlesbrough's Local Plan, meaning the principle of development has been assessed and agreed appropriate.

The proposed 139 dwellings is higher density than anticipated in this location, but not excessively so. The proposed new access appears to be a relatively modest and minimal solution that should avoid causing harm. Whilst the proximity to The Avenue of Trees is the chief concern from my perspective, screening in the form of planting is proposed to mitigate this. Bearing in mind the predominantly residential nature of development elsewhere in this area, this scheme is in line with that and should not cause harm to the heritage assets and their settings identified above.

This proposal should either sustain the significance of Acklam Hall and its heritage assets, including The Avenue of Trees. Therefore this application is in accordance with paragraph 192 of the NPPF and the relevant sections in policies CS4 and CS5 of the Core Strategy.

Secure By Design Officer- Cleveland Police (In summary)

The applicant should seek to develop to accredited Secure By Design Gold standards and a minimum of silver.

With recommendations on street lighting standards, fencing adjacent to the public areas being 2 metres in height and all wooden fencing wired internally, in-fill wooden panels on walls to be flush with the front elevation, dusk till dawn lighting, rear side access gates should be as far forward to front elevations as possible and all proposed pathways to be incorporated into the front street scene to maximise surveillance from properties.

Historic England

No further comments on revised plans should seek advice of Conservation officer.

Original comments from Historic England were :-

The proposal's eastern site boundary and its access road borders an avenue of trees focussed on the front entrance of Acklam Hall, a Grade I listed building, both are within the Acklam Conservation Area. The avenue is shown on historic illustrations and maps of the hall and is a formal approach, grand in nature, typical of many country house estates of the 17th and early 18th centuries.

The avenue's survival at Acklam is remarkable considering the suburban growth of Middlesbrough and its mature character not only strongly and beautifully defines a vista to the Hall but screens much of the surrounding suburban development. This allows a visual trick to be played, an experience where the modern city is shut out and an impression of the historic estate gained. This trick is not total but is sufficient to make an important contribution to the significance of the conservation area and, by extension, the grade I listed hall.

The Acklam Conservation Area is on the Heritage At Risk Register because of the intrusive impact of recent development and it is important to consider whether this proposal would add to that problem or could be managed in a way that preserves the contribution the avenue makes.

The built eastern edge of the housing development would come close to the start of the avenue, roughly in line with the previous school building and just forward of the houses on St David's Way. This feels close and potentially intrusive on plan but on site a high hedge shields the view between site and avenue. As long as this is maintained and preferably strengthened then the intrusion of housing onto the avenue should be slight.

Another option would be to have back gardens onto the avenue but this can lead to land grabbing and varied boundary treatments which would contrast poorly with the formal nature of the avenue and is less preferable than the proposed arrangement.

In heritage terms this application is about minimising impact and the landscape proposals appear to achieve this. However, the labelling 'existing hedgerow' on the landscape masterplan needs to be checked as it may just be a wire fence overgrown with vegetation,

which is presumably more ephemeral and open. Either way this boundary needs to form a natural screen in perpetuity if the significance of the conservation area and the setting of the listed building is to be maintained. Doing so would reflect the importance given to the conservation of designated heritage assets set out within the National Planning Policy Framework, in particular paragraphs 192, 193 and 196.

I recommend that planting for this area is confirmed, preferably before determination but if not, by condition.

Historic England has no objection to the application on heritage grounds subject to further exploration and consideration of the eastern site boundary as discussed above.

Sport England

Having read through the report, Sport England is satisfied that the land identified is capable of being made into playing field of a sufficient size and quality to be a suitable replacement (in respect of Sport England's playing field policy exception 4) for the playing field being lost at the St. David's School site.

The land for the new pitches is owned by Middlesbrough Council, and so it does seem necessary for the applicant to pay the Council to undertake the work to create them. The costs for the work are set out in the report, along with realistic timescales for their implementation. A S.106 agreement would seem to be the most mechanism for doing this (although we are prepared to consider other mechanisms that provide the same certainty)

Sport England would therefore require a S.106 agreement to be drawn up which;

- Required the developer to pay the LPA the cost of the works to create the playing field and pitches as set out in the PSD Agronomy feasibility report (15/04/20) and suitably index linked
- Committed Middlesbrough Council to undertake the works set out in feasibility report
- Key milestones in the development of the application site to be tied to the implementation of the replacement playing field works and the new pitches being brought into use.

Sport England would be happy to review and comment upon a draft of the S.106 before it is formally tabled.

Once the wording is agreed we can advise the LPA that the framework is in place for our objection to be met, but clearly it is the signing of the S.106 agreement that allows our objection to be withdrawn. We would not expect LPAs to follow the Playing Field Direction in such circumstances.

Northern Gas Networks (In summary)

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

Northumbrian Water (In summary)

No issues to raise provided the application is approved and carried out in accordance with the submitted Drainage Strategy, which sets out the foul flow shall discharge to the combined sewer manhole 6501, whilst the surface water flows shall be restricted to 19l/sec and discharge to the surface water sewer at manhole 9803. A condition should be attached that the development be in accordance with the drainage strategy dated 4/2/2020.

Natural England (In summary)

The proposed amendments are unlikely to have significantly different impacts on the natural environment than the original proposal. Previous no objection comments apply. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

PLANNING CONSIDERATION AND ASSESSMENT

2. Under Local Housing Plan Policy H1, H31 and H34 the former St David's School site has been allocated for residential use to provide 115 dwellings. Policy H34 comments the development should reflect the housing types within the area which are predominantly three and four bedrooms and should provide either 15% of the dwellings as affordable, through 5% on site and a 10% off site contribution. Policy H12 allows variations in the proportion of on-off site contributions where it can be demonstrated that this would better contribute to the creation of mixed and balanced communities through the diversification of housing tenure, but there is still a requirement to meet the minimum 15% target.
3. Core Strategy Policies DC1, CS4 and CS5 seek to ensure a high quality sustainable development; ensure amenity of the nearby residents and that the character of the area and highway safety are not adversely affected by the development. Policy CS5 requires a high quality of design in terms of form, layout and contribution to the character and appearance of the area along with the preservation and enhancement of the character of the conservation area. CS17 requires development to be located where it will not have a detrimental impact on the operation of the strategic network. Policy CS18 requiring that the level of private car parking be restricted to be in accordance with the Tees Valley Design Guide and Specification with policy CS19 advising that new development should include measures to discourage car use and encourage sustainable transport choices.
4. In terms of heritage considerations, policy H34 requires the development to respond positively to the Acklam Hall Conservation Area and the Avenue of Trees. Setting out that the properties should have frontages facing the Avenue of Trees with the retention of existing trees. Highway access is set out in policy H34 as being taken from St David's Way with the expectation that the development should maintain and enhance footpath links between Acklam Road and Hall Drive. With part of the site being former school playing fields, policy H34 sets out replacement playing fields will be required as part of the site redevelopment.
5. The principle of the development has been established through the allocation of the site therefore the main considerations with this proposal are considerations of the relevant national and local policies, site layout and design, impact on the character and appearance of the street scene, heritage and conservation, ecology/landscaping, amenity, highways, education, flood risk and any other residual matters.

Policy

6. The application site is an allocated housing site under policy H34 of the adopted 2014 Housing Local Plan. Policy H34 sets out that any new development should reflect the existing house types within the immediate vicinity of the site, which are 3-4 bedroomed properties with a mixture of semi-detached and detached properties. The proposed development will provide a limited number of 2 bedroomed properties (14 in total) with the remainder being 3 and 4 bedroomed properties providing a mixture of detached and semi-detached dwellings. Following discussions with council officers revisions have been made to the house types to provide 3 bedroom bungalows (5 in total) within the site to accommodate a wider section of the community, which is considered to benefit the scheme.

7. Within policy H34 it sets out that the land allocated for St David's 'should be high quality, high value residential scheme, to provide a maximum of 115 dwellings'. Objection comments have been received that the proposal at 139 dwellings is above the maximum figure set out in policy H34. The proposal is above the 115 set out in policy H34, but is subject to consideration as to whether the overall development proposal submitted provides an adequate high quality design/appearance, layout including landscaping, open space provision alongside adequate amenity to the future occupants and the neighbouring properties.
8. Policy H1 sets out that all housing allocations figures within the Core Strategy policies and Housing Development Plan Document are minimum figures unless otherwise stated. Proposals for 'more than the maximum dwelling requirements' will only be considered suitable where it can be clearly demonstrated through a design led approach and taking into consideration the characteristics of the surrounding area and any site specific policy requirements that an alternative capacity is more appropriate'.
9. Policies DC1, CS4 and CS5 seek to ensure that all new development is a high quality sustainable development. The application site itself is located within a predominantly residential area of Acklam and is within walking distance of local services, schools and bus links. The proposal provides a new footpath and cycle link through the site linking Hall Drive and Acklam Road, which will ensure the future sustainability of the site. The Acklam Road/Mandale Road Local centre and Hall Drive Neighbourhood centres are within approximately 1 mile walking distance of the site. With both the Outwood Academy and Kader Primary School being less than a mile walking distance with the new footpath links provided onto Acklam Road. The doctor's surgery within the Acklam Hall site is within a mile of the site. Within less than 500 metres of the site are the main bus stops on Acklam Road and Hall Drive, which mean the site is considered to be within a sustainable location.
10. The application site is within two ownerships and the applicant has worked within the Council to develop the entire site within both land ownerships to provide a more comprehensive and high quality development. The proposed site layout provides significant areas of green space, including the trim trail at the entrance of the development, large area of landscaping around the footpath/cycle link through the site connecting Acklam Road and Hall Drive and several smaller areas of green space dispersed throughout the development. Individual properties provide the required privacy separation distances and sufficient garden spaces for the number of bedrooms provided. Alongside the two storey dwellings the revised scheme includes 5 bungalows which provide additional house types for the wider community. Given these factors, whilst it is acknowledged the total number of dwellings is above the initial 115 dwellings set out in policy H34, given the layout and design of the site, the proposed 139 dwellings is considered to be an acceptable density without compromising on the standard of the development.
11. Policies H12 and H34 require 15% of dwellings to be affordable provided as 5% on site and 10% off site contribution. Policy H12 allows variations in the proportion of onsite and off-site provision where it can be demonstrated that this would better contribute to the creation of mixed balanced communities through the diversification of housing tenure.
12. The original plans for the site provided 7 affordable terraced and semi-detached dwellings, which met the 5% onsite affordable housing provision. Following consultation feedback the plans were amended to include 5 affordable bungalows within the development site. With the bungalows requiring additional floor space to ensure they fit in with the remainder of the site, the number of affordable houses within the site was reduced to 5. Although slightly below the 5% level of onsite affordable

housing the number is still considered to be an acceptable level given the bungalow type of affordable housing being provided.

13. In addition to the onsite affordable housing provision an off-site affordable housing contribution will be secured by a section 106 agreement.
14. Part of the site is the former playing pitch of the former St David's School. Policy H34 requires that the redevelopment of the site would require the re-provision of playing pitches within the town. Within close proximity of the application site is an area of land directly to the south of the existing Outwood Academy and Kader Football Club which has been identified as suitable for the replacement playing pitches. The proposal will include 3 playing pitches with a contribution from the applicant for the installation of the playing pitches. The pitches long term maintenance and installation costs will be secured through the section 106 agreement or equivalent legal agreement.
15. It is considered that the development meets the requirements of Policies CS4, CS5 and H12 and H34.

Design

16. The NPPF paragraph 122 requires local authorities to support the efficient use of land by identifying the need for different types of housing, the availability of infrastructure and services whilst setting out the importance of securing a 'well designed, attractive and healthy places.' Paragraph 123 of the NPPF sets out that 'developments make optimum use of the potential of each site to meet housing requirements' providing they are well designed and maintain an areas prevailing character and setting within a sustainable location.
17. Policy DC1 comments that 'the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials will be of high quality with Policies CS4 and CS5 commenting that new development should 'enhance both the built and natural environment'.
18. The site is located on the boundary of the Acklam Hall Conservation Area with the Avenue of Trees located along the eastern boundary and existing residential properties around the remainder of the site. The overall gross density of the site is approximately 22 dwellings per hectare, which is considered to be in keeping with the mixture of densities within the surrounding residential streets. The site layout provides a mixture of high quality 2, 3, and 4 bedroomed properties providing 21 different house types to include detached, semi-detached, terraced properties and bungalows with a mixture of both integral and detached garages. The properties have varying garden sizes, but each property provides sufficient private amenity space.
19. The proposal is a design led scheme based around integrating the development to the Avenue of Trees and Acklam Road via the footpath and cycle link and landscape detail through the site. The new footpath and cycle link is a key design feature which retains the existing established trees within the site and provides additional trees and landscaping around the footpath. The design of the development includes an open space area on both sides of the entrance to the site from St David's Way with the northern open space area including a wildlife meadow grass area. These open space areas integrates the site with the landscaping along the Avenue of Trees. The dwellings within the scheme have been designed to look towards these open space areas and key landscape design features.
20. Each of the properties include various design features on the front elevation to include bay windows, open porch detailing, traditional window designs and door fenestration, gable and soffit detailing, stepped front elevations with feature brick bands and a

mixture of brick work and render to provide a high quality design to the street scene. The materials will be secured by condition.

21. At the entrance of the development is an area of open space which includes a trim trail area with equipment and benches that can be utilised by the occupants of the properties and the wider public. The layout of the development has been designed so where possible dwellings front onto or have views towards any open space/landscaped areas.
22. Consideration has been given to the Secure By Design Principles with the revised layout including windows on side elevations which face towards open space areas to ensure natural surveillance. In addition, 2 metre high fencing is proposed along the northern boundary of the site between the open space area and existing properties with each property having 1.8 metre high rear garden boundary fencing.
23. Concerns have been raised regarding the potential future loss of landscape areas within the site itself. To ensure the future quality of the development, permitted development rights will be removed to enable further control of alterations and extensions to the properties which will ensure not only a quality design along with the retention of the landscape areas.
24. A number of comments have been received in relation to the number of properties proposed not being in keeping with Policy H34 as it exceeds the 115. Whilst policy H34 states a 'maximum' of 155 dwellings, policy H1 states 'proposals for fewer than the minimum or more than the maximum dwelling requirements for a site will only be considered where it can be clearly 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'. The number of dwellings can be acceptable in planning terms subject to full consideration of the design and quality of the development and site specific policy requirements.
25. The proposed dwellings are considered to be a high quality design in accordance with the requirements of the NPPF and Policies DC1, CS4 and CS5.

Character and Appearance of the street scene

26. The site was the former St David's School site which comprised of the main school building, playing fields, tennis courts, hard standing car parking and the caretakers house. The original school building and associated facilities would have had a presence and impact on the character of the area. Since the school building has been demolished the site has become overgrown with self-seeded grass/planting with the character of the area immediately surrounding the site being a mixture of high quality residential properties and the open space along the Avenue of Trees.
27. Consideration of the site layout has taken into account the views into the site from the Avenue of Trees and the requirements of Policy H34 that the housing within the site should front towards the Avenue of Trees. The site layout provides large detached dwellings facing the Avenue of Trees. The housing has been set back from the boundary with the Avenue of Trees and is partially screened by the existing hedgerow and trees. The frontage of these properties have a high quality designs with open porch and gable detailing, bay windows and a mixture of brickwork and render detailing with varying roof heights to provide some variety to the character of the dwellings. The frontages of properties have been designed to face towards the landscape areas within the site.
28. Views into the entrance of the site from St David's Way are softened by the open space trim trail and the tree lined landscaped areas surrounding the proposed cycle and

footpath link crossing west to east through the site. The footpath/cycle way link design is considered to provide a high quality landscape addition to the scheme that retains existing trees alongside providing additional planting and hedgerow planting. The footpath/cycle link and the trim trail are considered to be a benefit to the community providing leisure opportunities and opening up further access opportunities from Acklam Road to the Avenue of Trees. Additional areas of open space, tree/ hedge planting and landscaping have been included throughout the site layout design and the majority of the proposed dwellings front these landscaped areas.

29. The revised boundary treatment plan shows the areas around the main open space walkway areas as having 900mm wrought iron railings with the prominent corner plots having a mixed wall with fence panel boundary. No fences or walls are provided to the front of properties with ornamental hedgerows sited to the front of prominent sites with hard standing driveways being split where possible with landscaping areas.
30. It is considered that in light of the former school building and hard standing areas on the site and the current design and layout of the development, the proposal is not considered to adversely impact on the character and appearance of the street scene and will result in an attractive green streetscape to the benefit of the occupiers of the development. The development is considered to be in accordance with the requirements of Policies H34, CS4 and CS5.

Heritage/Conservation

31. The NPPF paragraph 192 states that applications should take account of the desirability of sustaining and enhancing the significance of a heritage asset and putting them to a viable use consistent with their conservation. Consideration should be given to the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability and the desirability of new development making a positive contribution to local character and distinctiveness.
32. Core Strategy Policy CS4 (k) requires new development to protect and enhance the historic heritage and townscape character delivering development of a high quality that contributes to improvements in the quality of the townscape with Core Strategy Policy CS5 requiring proposals to preserve and enhance the character or appearance of conservation areas and other areas of special interest and character.
33. To the north-east of the application site across Hall Drive is Acklam Hall which is Grade I listed. Along the eastern boundary is the Avenue of Trees that forms part of a planned landscape feature to allow distance views of the principle elevation and driveway of Acklam Hall. The Gate piers and pillars located at the southern end of the Avenue of Trees are included within the curtilage of the listed Acklam Hall with the two lodges at the southern end of the Avenue of Trees being locally listed. Acklam Hall and the Avenue of Trees are within the Acklam Hall Conservation area boundary with the application site being located outside the conservation area.
34. Comments have been received that the development will have impact and destroy the historic standing and character of the area and the ancient trees within the site.
35. Historic England have stated they have no objections to the proposal subject to the current hedgerow between the site and the Avenue of Trees remaining and if possible being strengthened. The revised landscape plan (P19-2675.001 REV C) show the hedgerow will remain and will be strengthened with any hedgerow gaps being filled. None of the trees within the Avenue of Trees will be removed as part of the development.

36. The Council's Conservation officer has no objections to the development. Commenting that apart from Acklam Hall the site is surrounded by similar residential properties with the principle of residential development having been agreed within the Local Plan. Whilst the 139 dwellings is a higher density than anticipated in this location it is not excessively so. The proposed new access arrangements appear to be relatively modest and a minimal solution that should avoid causing harm. Whilst the proximity of the Avenue of Trees is the main concern from the heritage aspect, screening in the form of planting is proposed to mitigate.
37. An Archaeological Desk-based study has been submitted in support of the application. The study concluded that the site sits beyond the edge of the medieval village of Acklam and remained as agricultural land until becoming part of the development of Middlesbrough in the mid-20th Century. The development of the school and playing fields is likely to have removed any earlier remains present within the footprint. The study recommended that a scheme of trial trenching be conducted on the western part of the site, a condition is recommended to address this.
38. The residential nature of the development elsewhere in the area surrounding the site and the screening which will be provided through the existing hedgerow and trees will ensure that the proposal will not cause any harm to the heritage assets and their settings. The proposal is considered to be in accordance with paragraph 192 of the NPPF and Core Strategy Policies CS4 and CS5.

Ecology / Landscaping

39. Core Strategy Policy CS4 requires development to ensure 'biodiversity assets, geodiversity, wildlife species, natural habitats, green infrastructure' are protected and enhanced.
40. The site was the former St David's School site with the caretakers building and car parking hard standing areas still remaining with the former school footprint and playing fields now being overgrown with self-seeded grass and plants.
41. Natural England have commented that they have no objections to the development and consider the development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
42. A preliminary Ecological Appraisal has been completed of the site which reported no evidence of great crested newts within the site and although they could be present within the Acklam Hall pond the distances and road barrier and size of the application site means the development is not a significant risk to the conservation status of the newts with no badgers having been reported.
43. The submitted Bat Survey showed no evidence of bats within the trees to be removed with a potential roost recorded on the western elevation of the caretakers building but no bats recorded flying from the building. The Bat Survey recommends that an endoscope survey be undertaken and if bats are present a licence would be required from Natural England. Providing no bats are present a working method for the demolition of the building and the removal of the tree should be provided, which will be secured by condition. If the demolition and tree felling does not take place within 12 months of the endoscope survey then an updated survey will be required. Further mitigation measures set out in the Bat Survey include low level lighting in areas where the endoscope survey shows bats, bat roosting opportunities and berry and fruit species to be planted. The proposed landscape plans show ornamental berry hedging and planting within the scheme.

44. There will be no trees removed within the Avenue of Trees to facilitate the development. The Arboricultural Impact Assessment sets out that a sycamore tree located towards the entrance of the site and a 15 metre section of hedgerow located immediately to the south of the current entrance off St David's Way will be removed to enable the new footpath entrance. A set of cypress trees sited within the front garden of the caretakers building and two trees within the existing access footpath between the site and Acklam Road will be removed as part of the development. The remainder of the trees within the site will be protected during the development works with tree protection measures. The existing hedgerow along the boundary with The Avenue of Trees will be strengthened and any gaps filled. Within the open space area to the north of the site there will be an area of meadow grass to encourage biodiversity.
45. Objection comments have been received that the proposal will impact on the existing wildlife which has developed since the school was demolished with further wildlife impacts generated from the increase in plant and machinery within the site and that it should be retained as a wildlife site. With the site being overgrown and vacant there is the potential for a natural increase in wildlife within the site. The majority of the trees and hedgerows within the site will remain with additional landscaping features and garden areas. Given these additional landscape and garden areas it is considered that reasonable wildlife opportunities will remain within the site after the construction has been completed and there will be no undue impact on the opportunity for wildlife to establish throughout the site. The level of tree planting, landscaping and open space areas within the development means the impact on wildlife is not considered to be significant with Natural England having raised no objections to the proposal.
46. Objection comments relate to the impact on the appearance of the Avenue of Trees with the proposed footpath/cycle way along St David's Way. The proposed footpath will be alongside the existing highway and the width of the new footpath along with the low level bollard style lighting proposed is considered not to impact on the overall character and appearance of the Avenue of Trees. Historic England and the Council's Conservation officer have no objections to the scheme stating the new access is relatively modest and a minimal solution that should avoid causing harm.
47. The proposal will see the loss of the current self-seeded grassed site but the survey results undertaken and the inclusion of the areas of meadow grass, additional ornamental hedgerow planting and tree planting means the proposed development is considered not to have a significant impact on ecology and the proposal accords with the requirements of Local Plan Policy CS4.

Amenity

48. Core Strategy Policy DC1 comments that all new development should consider the effects on the amenities of the occupiers of nearby properties both during and after completion.
49. The application site has residential properties located along the northern, western and southern boundaries of the site. Objection comments have been received in relation to loss of privacy. The separation distances that will remain between the rear elevation windows of the existing residential properties and the habitable room windows of the proposed dwellings will be 21 metres or above with over 14 metres remaining between side facing habitable room windows. This separation distance accords with the privacy distances set out in the Council's Urban Design SPD.
50. Internally all the rear elevations of the properties meet both the 21 metre and 14 metre separation distances. Any site frontages which are head on meet the 21 metres guidance or are at oblique angle which supports the reduction distance on some of the plots. Which is a recognised design tool which assists in creating informal layouts.

51. The internal space within each of the dwellings meets the government space standards for new dwellings, with each property providing a good sized private garden space with additional outside amenity space provided with the open space trim trail, which is considered to provide a high quality scheme.
52. The Council's Waste officer has no objections to the development, subject to the properties with shared driveways being responsible for bringing their refuse and recycling bins to the nearest highway. The revised site plan provides bin store collection points to the end of shared driveways in locations which have the minimum impact on the resident's amenity.
53. It is considered that the development will not have a detrimental impact on the amenity of any existing residents, and the proposed layout will ensure that new residents have adequate levels of amenities and as such is in accordance with the requirements of Policy DC1 and CS5.
54. Objection comments have been received regarding the potential loss of privacy from the development from future extensions and loft conversions. The proposed dwellings accord with the required separation distances to the existing houses. Permitted development rights have been removed to limit the impact of future development on the extensive use of permitted development rights within the estate which may result in a significant impact on the character of the estate and on the surrounding areas.
55. Concerns have been raised regarding potential anti-social behaviour within the open space area to the north of the site and the loss of privacy from the trim trail. Revised plans show the height of the northern boundary fence alongside the open space area will be 2 metres in line with the advice from Cleveland Police. The features within the trim trail are low height feature and benches with high levels of natural surveillance with the design of the scheme reducing any potential anti-social behaviour or potential loss of privacy for the existing residents.
56. Objections have been received regarding potential overbearing impact and loss of light to the existing properties from the development. There will, in accordance with standards, remain a minimum of 21 metres between the rear elevation of the proposed dwellings and the existing properties and 14 metres between side elevations. This separation distance will ensure there is no significant impact in terms of overbearing or loss of light.
57. Comments have been made that the construction compound on site for 4 years will result in noise and potential loss of privacy for residents. The construction phase is not a material planning consideration that can be assessed as part of the development. Should there be any undue noise associated with the construction site then there is legislation beyond planning which would deal with the noise issue. The applicant has confirmed through revised plans that a single storey construction cabin will be used rather than a two-storey cabin within reasonable proximity of the nearby properties, which will therefore reduce the construction impact.

Air Quality and site remediation

58. An air quality assessment has been submitted along with a Geo-Environmental Appraisal, Gas Remediation Strategy and noise impact assessment. The Environmental Protection Officers have considered the documents and have raised no objections to the development, subject to the development being carried out in line with the noise assessment and the Gas Remediation Strategy. A lighting plan will form part of the final highway scheme design to be submitted but the location of the lighting

within the estate and along St David's Way is not considered to have any significant light pollution to the existing properties.

59. Notwithstanding this objection comments have been received that the proposal will increase noise levels, provide dust pollution, smells and light pollution. However in view of the above comments this is not considered to have any undue impacts, particularly with it being a residential development adjacent to an existing residential development.

Traffic related issues

60. The proposed access to the site is from St David's Way which is currently not a publically maintainable highway. Therefore works are proposed to improve the road to bring it up to the required standards. These works include the following:-

- Existing raised table at the Hall Drive/St David's Way junction to be removed and replaced with two sets of speed cushions (one on either side of the junction)
- Realignment of the junction kerbs to create a crossing point with dropped kerbs and tactile paving
- Provision of a 3 metre wide shared footpath/cycleway to the east side of St David's Way to connect the development to Hall Drive
- Provision of 9 formal parking spaces on St David's Way which can be used by those visiting the Avenue of Trees or adjacent sport pitches. The design and layout of these are designed to minimise the visual impact and restrict vehicle speeds to 20 mph or less.
- Resurfacing and street lighting

61. It is considered that these works will result in a suitable access to the residential development and subject to these works being undertaken there are no highway objections raised by the Highway engineers. These works will be secured by conditions

62. The authorities validated strategic highway model (Aimsun) has been used to test the potential impact of traffic associated with the proposed development on the existing highways. An estimated level of traffic generation is coded into the model based upon the scale of the development proposed and using evidence based trip rates. The traffic associated within the proposed development is then tested within the model including future year's scenarios and this approach allows for traffic levels to increase as a result of traffic and other committed developments irrespective of the current proposal. The results then establish what impact the proposed development would have.

63. The scheme is estimated to generate in the region of 100 and 110 vehicle trips during the AM and PM peak periods respectively. The network is tested during these periods as this is when there is greatest demand and the networks is at its most sensitive. Outside of the peak periods greater levels of capacity are available and the network operates much more freely.

64. The traffic generated by the model distributes across the network, based upon origin and destination data. The greatest amount of traffic is seen at the site access junction then reduces as traffic takes different routes on its journey. Acklam Road is a main North/South artery within Middlesbrough and as such existing traffic flows here are high. The proportion of traffic associated with the proposed development will account for less than 2-3%. As such whilst traffic may generally slow slightly as a result of the development the impact is very small. It is widely acknowledged and demonstrated that traffic flows can vary by 10-15% based upon the weather, the time of the day, month etc. The scale of the impact of development is therefore less than these daily fluctuations so in reality will not be perceivable.

65. Using this evidence based approach it has been demonstrated that the impact of traffic associated with the development will not have a material impact on the free flow of traffic on the surrounding highway network. Importantly the NPPF guides that development should not be refused on highway grounds unless there is a severe impact on the highway network which is unable to be mitigated through offsite works or other means. It is considered that the impact of traffic associated with this development would fall far short of being able to be considered a severe impact and therefore is acceptable in this regard. In addition the development will be providing financial contributions, secured through a S106 Agreement towards ;

- a strategic highways contribution, which the authority will use towards strategic interventions on the wider network and
- a bus stop improvements contribution to adjacent inbound and outbound stops to improve facilities and encourage bus patronage.

These contributions will be able to be used to enhance public transport and improve the strategic network will arguably reduce the traffic association with the development further.

66. It's the officers view that the approach taken is particularly robust which provides assurance of the impact on the highway network this view is based upon :

- The modelling was based upon an earlier scheme proposal and as such has assessed the impact of 167 dwellings, this has now been reduced to 139 which will further reduce the traffic flows.
- The modelling approach assumes that every day development trip is new to the network. In reality it is not as simple as this and some residents of the new development will live in the surrounding area or will drive on this part of the network regularly, driving from home to work for example.

67. The site is considered to be very sustainable. Within a maximum of 15 minute walk there are a number of facilities including 2 schools, a retail parade and medical facilities with bus stops served by frequent services being less than a 5 minute walk. The layout of the site has sought to maximise the sustainable location and provides an east/west link between Hall Drive and the Avenue of Trees to Acklam Road, where there is a signalised crossing point. The location and the approach further increases the robustness of the highway modelling work as there is an increased likelihood of non-car journeys.

68. A number of objections have been received from residents raising highway issues which are summarised as being in relation to safety issues, capacity and parking.

69. Comments have been received regarding the recent works at the junction of Hall Drive/Acklam Road to improve traffic flow and capacity at this junction. When interrogating the output of the model in detail what is seen is that effectively the traffic generated by the development uses up some of the available capacity that has been created at the junction. This is why the model demonstrates that the development traffic will not have a material impact on the operation of this junction. It should also be noted that although the development traffic uses some of this spare capacity, the junction is still demonstrated to operate within capacity with the development in place.

70. Concerns regarding parking on Hall Drive associated with the school and sports pitches has been raised. This issue is an existing issue and would continue whether the development took place or not. The level of parking provided for new residents is in accordance with the Tees Valley Design Guide and the layout has been designed to provide for managed areas of on-street parking. As such it cannot be demonstrated

that the development will exacerbate parking issues and an objection cannot be raised on this basis.

71. As discussed earlier in the report works to St David's Way include the provision of managed on-street parking. This parking will be available for the public accessing facilities in the local area including sports pitches, the school or Avenue of Trees and represents an improvement to the current situation.
72. No highway objections are raised subject to conditions relating to the construction, design and materials for the roads/footpaths, car parking layouts, off-site highway works and a method of works statement.

Flood Risk

73. Core Strategy Policy CS5 sets out that all new development should provide 'sustainable methods of surface drainage' to 'mitigate against localised flooding, promote water conservation and help protect water quality.'
74. 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.
75. The revised drainage strategy for the site includes within the open space area towards the north of the site a dual pumping station, which will ensure the surface water drainage from the site is restricted to no more than 19 l/s into the public sewer. The existing greenfield run off from the existing site is circa 22 l/s. Northumbrian Water have requested a limit of 19 l/s for the proposal and the proposed run off rate at 19 l/s which will be lower than the existing greenfield run off rate, which should further mitigate flood risk downstream and will result in the proposal being a betterment than the existing levels of run off from the site which has areas of hard standing.
76. Surface water will be collected and directed to an attenuation tank (below ground) which has been designed to take up to 100 year storm events with an additional allowance of 40% climate change. The surface water will be held within the attenuation tank and allowed to discharge into the public surface water system via a hydrobrake, which will restrict the flow of water from the site (to the agreed discharge rate) to the existing drainage system to the north. The public road drainage, Carlow tank attenuation system will be adopted under section 104 with the dual pumping station being adopted by Northumbrian Water.
77. The foul drainage will be discharged via a pumping system into a public combined manhole (6501) within Cowley Road at a rate of 9.2 l/s which is and greed rate with Northumbrian Water.
78. Objections have been raised regarding existing drainage issues along Hall Drive and the potential impact which the proposed development will have on the drainage system. The Local Flood Risk officer and Northumbrian Water have considered the revised flood risk assessment and drainage details and have no objections subject to relevant conditions. The technical details show this proposed scheme to not increase the risk of flooding and as such is in accordance with the requirements of Policies DC1 and CS4 and the NPPF.

Education

79. The Council's Strategic School Planning Manager has advised that no education contribution is required subject to the dwellings not being occupied until 2022 due the

existing capacity within the schools and given the current capacity for school spaces a commuted lump sum is not required.

80. Comments have been received that schools are oversubscribed with no additional provision following recent house building in last 5 years and that land would be better utilised for school facilities. The site is an allocated housing site within the Local Plan and is not allocated for a school facility. The number of houses proposed along with the completion dates are not considered to have a significant impact on the capacity of school places, with no objections having been received from the Council's Strategic School Planning Manager.

Residual issues

81. Objection comments have been raised in relation to the development being for profit and not for improvements to the area, no requirement for more housing, loss of views and the devaluation of the existing properties. Each of these points are not material planning considerations which can be considered.
82. Concerns are raised that the number of houses within the development could be increased once approval is granted to ensure the dwelling sell which has occurred on other development sites. Any new proposal to increase the number of dwellings would require a further planning application to be submitted with further consultation.
83. Comments were received that the plans shown at the consultation event differ from those submitted for the application and therefore the consultation feedback is misleading with the open day leaving unanswered questions. The plans may have altered following the consultation event to reflect comments received. The neighbour letters and press/site notices have been issued for consultation on revised plans submitted for the application and specific queries raised to the planning department following the submission of the application have been addressed.
84. It is understood that the existing properties owners backing onto the site along Adcott Road have raised the issue of extending their gardens into the site to achieve extensions to their gardens. It is understood that the applicant has considered this. From a planning perspective whether this section of land to the rear of Adscott Road forms part of the development or is within the ownership of the properties in Adcott Road is not a planning issues as the garden areas for the proposed dwellings are a sufficient space.
85. Objection comments have been received that the land is subject to a legal covenant established by the House of Lords that conditions the use of the land for development. Legal covenants are separate legal requirements subjected to landowners which are not a material planning consideration.
86. Comments have been received that only the footprint of the former school building was to be built on and not the area of land behind Acklam Road. Within the adopted Local Plan Policy H34 the whole of the application site was allocated for housing.

RECOMMENDATIONS AND CONDITIONS

Approve subject to a s106 agreement

1. Time Limit

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

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

2. Approved Plans

The development hereby approved shall be carried out in complete accordance with the plans and specifications detailed below and shall relate to no other plans;

a.	Site Location Plan	1175-AVA-001	8 th January 2020
b.	Site Plan as existing	1175-AVA-002	8 th January 2020
c.	Site Layout Plan	1175/AVA/100R	4 th December 2020
d.	Site layout Plan (coloured)	1175-AVA-104A	4 th December 2020
e.	Boundary Treatment Plan	1175-AVA-101G	25 th January 2021
f.	Adoption Plan	1175-AVA-102F	4 th December 2020
g.	Surface Treatment Plan	1175-AVA-103F	4 th December 2020
h.	Acklam Site Layout	5187-SL-01_REV A	4 th December 2020
i.	Indicative Site Sections	1175- AVA- 200 REV A	4 th December 2020
j.	Preliminary Ecological Appraisal	OS Ecology	November 2019
k.	Preliminary Land Investigation Report	Dunelm Geotechnical	December 2019
l.	Bat Survey	OS Ecology	October 2019
m.	Transport Assessment	Systra	November 2019
n.	Travel Framework Plan	Systra	November 2019
o.	Flood Risk Assessment	CK21 REV A	November 2019
p.	Drainage Strategy	CK21 REV C	April 2020
q.	Drainage Strategy	19089-CK-XX-XX-DR-C-22-5-REV T2	20 th April 2020
r.	Arboricultural Impact Assessment	AIAEXI	7 th January 2020
s.	Arboricultural Method Statement	AMSTPP	7 th January 2020
t.	Arboricultural Method Statement existing	AMSEXI	7 th January 2020
u.	Arboricultural Tree Protection Plan	AIATPP	7 th January 2020
v.	Existing tree plan	AIAEXI	7 th January 2020
w.	Noise Impact Assessment	Wardell Armstrong	September 2019
x.	Air Quality Assessment	Wardell Armstrong	September 2019
y.	Landscape Masterplan	P19-2675.001C	4 th December 2020
z.	Indicative Trim Trail	P19-2675.0002	4 th December 2020
aa.	Archaeological Desk Based Study	Report 5159	September 2019
bb.	Heritage Impact Assessment	2226-01	September 2019
cc.	Construction Plan	5187-CP-01	9 th April 2020
dd.	Construction Method Statement	REV #	December 2018
ee.	Bayfield plots 33 and 34 elevations	020/ACK/BALD/002	4 th December 2020
ff.	Bayfield End village floor plans	020/BALD/001 REV C	4 th December 2020
gg.	Bayfield End village elevations	020/BALD/0002 REV C	4 th December 2020
hh.	Burford Style 2 Village		5 th March 2020
ii.	Culstone End Village floor plans	020/CUNE/002 REV B	4 th December 2020
jj.	Culstone End Village elevations	020/CUNE/001 REV B	4 th December 2020
kk.	Dalstone End Village floor plans	020/DANE/001 REV B	4 th December 2020
ll.	Dalstone End Village elevations	020/DANE/002 REV B	4 th December 2020
mm.	Emstone End Village floor plans	020/EMNE/001/REV B	4 th December 2020
nn.	Emstone End Village elevations	020/EMNE/002/REV B	4 th December 2020
oo.	Greystone End Village floor plans	020/GRNE/001 REV C	4 th December 2020
pp.	Greystone End Village elevations	020/GRNE/002 REV C	4 th December 2020
qq.	Hivestone Village floor plans	020/HIVE/001 REV B	4 th December 2020
rr.	Hivestone Village elevations	020/HIVE/002/ REV B	4 th December 2020
ss.	Hornstone Village floor plans	020/HONE/001 REV C	4 th December 2020

tt.	Hornstone Village elevations	020/HONE/002 REV C	4 th December 2020
uu.	Impstone Village floor plans	020/IMNE/001 REV B	4 th December 2020
vv.	Impstone Village elevations	020/IMNE/002 REV B	4 th December 2020
ww.	Ivystone Village floor plans	020/IVNE/001 REV C	4 th December 2020
xx.	Ivystone Village elevations	020/IVNE/002 REV C	4 th December 2020
yy.	Maybrook Village floor plans	020/MAOK/001 REV B	4 th December 2020
zz.	Maybrook Village elevations	020/MAOK/002 REV B	4 th December 2020
aaa.	Meadowbrook Village floor plans	020/MEOK/001 REV B	4 th December 2020
bbb.	Meadowbrook Village elevations	020/MEOK/002 REV B	4 th December 2020
ccc.	Mulbrook Village floor plans	020/MUOK/001REV B	4 th December 2020
ddd.	Mulbrook Village elevations	020/MUOK/002 REV B	4 th December 2020
eee.	Narsbrook Village floor plans	020/NAOK/001 REV C	4 th December 2020
fff.	Narsbrook Village elevations	020/NOAK/002 REV C	4 th December 2020
ggg.	Nutbrook Village floor plans	020/NUOK/001 REV B	4 th December 2020
hhh.	Nutbrook Village elevations	020/NUOK/001 REV B	4 th December 2020
iii.	Oakbrook Village floor plans	020/OAOK/001 REV C	4 th December 2020
jjj.	Oakbrook Village elevations	020/OAOK/002 REV C	4 th December 2020
kkk.	Portbrook Village floor plans	020/POOK/001 REV A	4 th December 2020
lll.	Portbrook Village elevations	020/POOK/002 REV A	4 th December 2020
mmm.	Skybrook Village floor plans	020/SKOK/001 REV B	4 th December 2020
nnn.	Skybrook Village elevations	020/SKOK/002 REV B	4 th December 2020
ooo.	Tambrook Village floor plans	020/TAOK/001 REV B	4 th December 2020
ppp.	Tambrook Village elevations	020/TAOK/002 REV B	4 th December 2020
qqq.	Waywick Village floor plans	020/WACK/001 REV A	4 th December 2020
rrr.	Waywick Village elevations	020/WACK/002 REV A	4 th December 2020
sss.	Whinwick Village floor plans	020/WHCK/001 REV A	4 th December 2020
ttt.	Whinwick Village elevations	020/WHCK/002 REV A	4 th December 2020
uuu.	Skybrook Plot 110 floor plans	020/ACK/SKOK/001	4 th December 2020
vvv.	Skybrook Plot 110 Elevations	020/ACK/SKOK/002	4 th December 2020
www.	Mulbrook Plot 67 Floor plans	020/ACK/MUOK/001	4 th December 2020
xxx.	Mulbrook Plot 67 elevations	020/ACK/MUOK/002	4 th December 2020
yyy.	Pumping Station Kiosk Sections	5187_PS_SEC REV 1	9 th April 2020
zzz.	Pumping station in plan	5187_PS_01 REV 1	9 th April 2020
aaaa.	Garage Double Detached floor plan	SITE/DG/001/REV B	9 th April 2020
bbbb.	Garage Double Detached roof plan	SITE/DG/002 REV A	9 th April 2020
cccc.	Garage Double Detached elevation	SITE/DG/003 REV B	9 th April 2020
dddd.	Garage Single floor/roof plan	SITE/SG/001 REV B	9 th April 2020
eeee.	Garage single end elevation	SITE/SG/002 REV B	9 th April 2020
ffff.	Gas Risk Assessment	Dunelm Geotechnical	1 st April 2020
gggg.	Sub Station	GTC-E-SS-0012_R1-8_1_OF_1	6 th March 2020

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. Gateway Entrance

Prior to the occupation of the dwellings specific details of the materials, design, dimensions and location of the gateway entrance shall be submitted to the local authority for approval and shall be erected in accordance with the approved details.

Reason: To ensure an appropriate design and 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.

5. 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.

6. Method Statement for Demolition

Prior to the demolition of the building and the removal of the existing trees within the application site a detailed method statement shall be provided in writing to the Local Planning Authority for approval, the demolition and removal shall be completed in accordance with the approved details.

Reason; To ensure there is no significant impact to local wildlife and to accord with the submitted Bat Survey recommendations.

7. Surface Water Drainage Approved Details

The development shall not be occupied until the surface water drainage works have been implemented in accordance with the submitted and approved Drainage plan, dated 11/3/2020 (Revision T2) which should follow the principles as outlined in the Flood Risk assessment, dated December 2019 (Revision A) and the Drainage Strategy, dated April 2020 (Revision C). The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 6501 and ensure that surface water discharges to the *surface water* sewer at manhole 9803. The surface water discharge rate shall not exceed the available capacity of 19l/sec that has been identified in this sewer.

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

8. Site contamination

Before the occupation of any part of the development hereby approved, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall confirm that all the proposed remediation works set out in the Dunelm Strategy for the Remedial Works report D9693 were completed before occupation of any part of the site or units hereby approved.

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

9. 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.

10. 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.

11. PD Rights Removed Conversion of Garages

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

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

12. PD Rights Removed Hardstanding

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

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

13. Landscape Management Plan

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

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

14. 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.

15. 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.

16. Hedges and Hedgerows

All hedges or hedgerows on the site unless indicated as being removed shall be retained and protected and enhanced in accordance with details submitted to and approved 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.

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

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

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

18. Details of Roads, Footpaths and Open Spaces 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.

19. Car and Cycle Parking Laid Out

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

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

20. Off-Site Highway Works Phasing Plan

Prior to commencement of development a highways works phasing plan detailing the delivery of the agreed highway works to St David's Way shall be submitted to and agreed in writing by the Local Planning Authority. The approved highway works shall then be delivered in accordance with the approved phasing plan or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority.

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

21. Off-Site Highway Works

The development hereby permitted shall not be occupied until the highway works to St David's Way detailed below have been carried out in accordance with the approved highway works phasing plan and submitted drawing 5187/SL/01 REV A or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority:

- a) Removal of the existing raised table at the Hall Drive/St David's Way junction and replacement with two sets of speed cushions either side of the junction with resurfacing works as required
- b) Realignment of the junction kerbs at Hall Drive/St David's Way to create 6m junction radii with pedestrian crossing point consisting of dropped kerbs and tactile paving
- c) Provision of a 3m wide shared footway/cycleway to the East side of St David's Way to connect the development to Hall Drive
- d) Provision of managed on-street parking bays to create build outs incorporating street trees on St David's Way
- e) A scheme of street lighting

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

22. Method of Works Statement

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

- a) Routing of construction traffic, including signage where appropriate;
- b) Arrangements for site compound and contractor parking;
- c) Measures to prevent the egress of mud and other detritus onto the public highway;
- d) A jointly undertaken dilapidation survey of the adjacent highway;
- e) Program of works; and,
- f) Details of any road/footpath closures as may be required.

The development must be carried out in accordance with the approved details.

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

23. Archaeological Observation

Prior to the commencement of the development of the western side of the site, where plots 128-131, 127-124 and 105-110 are located, a scheme of trial trenching is to be completed for the purposes of examining and recording any matter or things of Archaeological interest with the results provided to the Local Planning Authority.

Reason: To ensure opportunity is provided for archaeological assessment on this site having regard for policies CS4 and CS5 of the Local Plan and section 16 of the NPPF.

REASON FOR APPROVAL

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

The application site is an allocated site within the approved Housing Local Plan. Although the additional dwellings conflict with some elements of Policy H34 it meets the other requirements of this policy and the justification for increased numbers as set out in policy H1 and other relevant local and national policies. On balance the conflict with policy H34 does not outweigh the social, economic and environmental sustainable benefits of the development.

It is the planning view that none of the material objections raised will result in a significantly detrimental impact on the character of the area or the Acklam Hall Conservation 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.

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.

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.

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.

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.

Sustainable Drainage Systems

Sustainable Drainage Systems (SuDS) should be considered when designing drainage, driveways and car parking areas.

Permeable Surfacing

Guidance on permeable surfacing of front gardens is available on the Communities and Local Government Website: www.communities.gov.uk

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 the bat survey

suggested an endoscope survey be completed prior to development commencing on site to determine if any bats are present. If protected species are found to be present, Natural England should be consulted.

Construction Noise

The applicant should be aware that noise from construction work and deliveries to the site may have an impact upon local residential premises. The applicant may if they wish to apply for a prior consent under the Control of Pollution Act 1974 Section 61 with regard to working hours at the site. The applicant can contact the authorities Environmental Protection service for more details regarding the prior consent process. The hours that are recommended in the Control of Pollution Act for noisy working are 8am-6pm Mon-Fri, 8am-1pm Saturday and no working Sundays and Bank holidays.

Secure By Design

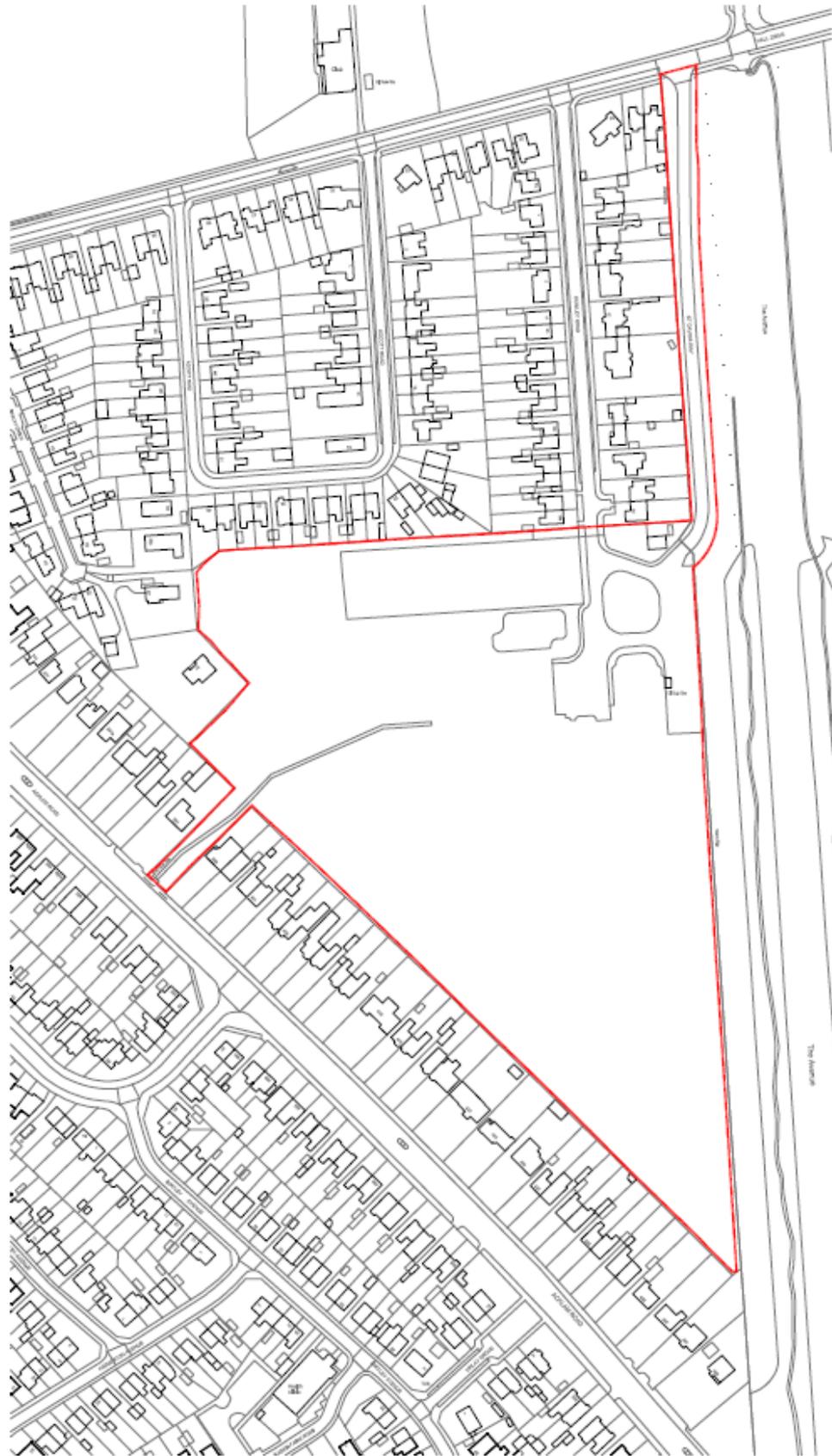
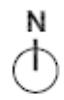
The applicant should seek to develop to accredited secure By Design Gold standards and a minimum silver with full guidance being available within SBD Homes 2019 guide at www.securebydesign.com and to contact Stephen Cranston at Stephen.Cranston2@cleveland.pnn.police.uk for further advice.

Case Officer: Debbie Moody

Committee Date: 5th February 2021

Information on this map is for informational purposes only and is not intended to be used as a basis for any legal or financial decision. The information on this map is provided as a service to the public and is not intended to be used as a basis for any legal or financial decision. The information on this map is provided as a service to the public and is not intended to be used as a basis for any legal or financial decision.

Scale: 1 inch = 100 feet



City of Acklam
 Planning Department

Former Acklam School

Site Location Plan

Map No.	1175-AVA	001
Scale	1" = 100'	1" = 100'
City	Acklam	City
Department	Planning	City