
APPLICATION DETAILS

Application No:	20/0496/FUL
Location:	Cawood Drive/Rievaulx Drive, Tollesby, Middlesbrough
Proposal:	Mixed use development comprising retail use at ground floor with 24 no. apartments above with associated ancillary areas, parking and landscaping
Applicant:	Middlesbrough Development Company
Agent:	Gradon Architecture
Ward:	Acklam
Recommendation:	Approve with Conditions

SUMMARY

Planning permission is sought for the erection of a part-three/part-four storey mixed-use development on the site of the former Newbridge Court neighbourhood centre. The proposed development includes 4 no. retail units on the ground floor with 24 no. residential units on the upper floors with associated parking and landscaping.

The application site is allocated in the adopted Local Plan as a neighbourhood centre and the proposals represent a replacement centre to the one which has recently been demolished at the site. A previous permission was granted for a replacement neighbourhood centre with residential apartments and that permission remains extant.

The proposed building would be of a scale and size that is greater than both the previous building and the extant permission. Notwithstanding this, it is concluded that the proposals sought are acceptable and would not have a significant adverse affect on the living conditions and residential amenities of nearby occupiers. The proposed development is also considered to be of a good quality design, using high quality materials to complement the surrounding built environment, and it is further considered that the traffic flows associated with the development can be reasonably accommodated within the existing environment and that the proposed car parking is sufficient for the development.

Given the above, it is the officer recommendation to approve conditionally subject to the relevant conditions listed.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is the former Newbridge Court neighbourhood centre situated off Rievaulx Drive. Within the Council's adopted Local Plan and on the adopted Proposals Map,

the site is referred to as Hall Drive neighbourhood centre, but is also known as Tollesby Shops.

The wider Tollesby estate was predominantly constructed in the 1960s and is based on a very conventional housing layout. The majority of houses are constructed in traditional materials, semi-detached in nature with a generous number and diversity of bungalows. The focal point of the whole estate was a central amenity area containing a larger shop unit with ancillary smaller shops and a post office with flats on the first floor. A public house and motor repairs garage was also located in the group.

The site subject to this application was previously occupied by a two-storey building accommodating a number of retail/commercial units and car repair garage at ground floor and residential apartments at first floor. Following a prolonged period of the building being vacant, the building has been demolished and the site cleared and secured.

Planning permission is sought for a predominantly three-storey brick-built mixed-use building with 4 no. retail/commercial units on the ground floor and 24 no. residential units on the upper floors. The proposed uses will be supported by associated landscaping and a 43 space car park.

PLANNING HISTORY

17/0131/FUL

Revised application for demolition of existing buildings and erection of 3 storey building comprising a convenience store (A1) and 1no ground floor unit for use as either shop (A1) offices (A2) cafe (A3) or hot food shop (A5) with 21no flats

Approved Conditionally

3rd May 2017

M/FP/1445/15/P

Demolition of existing buildings and erection of a three storey building, comprising a convenience store (A1) and two ground floor units (eastern unit for use either as a shop (A1), office (A2), cafe (A3) or hot food shop (A5) and western unit for A1, A2 or A3) with 21no flats at 1st and 2nd floor levels and associated works including 36no car parking spaces

Approved Conditionally

8th December 2015

437/64

Shops, flats and associated development

Approved

23rd June 1964

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
 CS4 - Sustainable Development
 CS5 - Design
 CS13 - Town Centres etc Strategy

CS18 - Demand Management
DC1 - General Development
REG30 Neighbourhood Centres
UDSPD - Urban Design SPD

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

A total of 85 neighbouring properties were consulted on the application which was also advertised in the local newspaper and by way of site notices displayed at locations around the application site. 7 representations were received, including 6 letters of objection and 1 other representation.

The objections received are summarised as follows:

- The 4 storeys are not in keeping with the surrounding area and would look completely out of place.
- The building would overshadow neighbouring bungalows and flats.
- Too many apartments being proposed.
- The proposed parking bays along Rievaulx Drive should be removed. Rievaulx Drive is already a very busy thoroughfare for traffic and these parking bays may result in an accident. The parking bays are also intended to be used for servicing, how will this be policed.
- In site parking is totally inadequate for the number of apartments, retail units, and visitors and where will the disabled parking be sited. This is below the council's standards.
- Parking for local residents would become an even bigger problem than it already is. Residents who live on Rievaulx Drive, Cawood Drive, Carnaby Walk, Newby Close and Boltby Close will need to have free resident parking permits to ensure that what few parking facilities there are not lost.
- Volume of traffic is already an issue without this addition.
- The floor plans show that the apartments on the west elevation will have primary windows and outside amenity area looking onto Rievaulx Drive. Although the separation distance exceeds 21m, due to the height of the building and outside amenity space, this must increase the overlooking issue for the properties looking onto this elevation.
- There is also an outside communal area located on the roof of the third storey. The outside communal area on this building is at a height of 9.6m and must give rise to the impact on and loss of privacy for local residents.
- There is redundant land onto Cawood Drive, how will this be dealt with.

Responses from Internal Technical Consultees

MBC Planning Policy

No objections to the principle of the proposed uses at this site.

MBC Environmental Health

No objections subject to various conditions relating to hours of deliveries/collections, hours of opening, and details of ventilation and fume extraction equipment.

MBC Waste Policy

No objections but residential refuse/recycling will be required to be put out for collection at the nearest adopted highway.

MBC Highways

No objections subject to four conditions.

MBC as Lead Local Flood Authority

No objections.

Ward Councillors (Polano & Dean)

No objections raised to the proposals.

Responses from External/Statutory Consultees

Northern Gas Networks

No objections.

Northumbrian Water

No objections subject to a condition requiring development to be carried out in accordance with the submitted drainage scheme.

Northern Powergrid

No comments received.

Cleveland Police Secure by Design officer

The proposals should adhere to the principles of Secured by Design.

Public Responses

Number of original neighbour consultations	84
Total numbers of comments received	7
Total number of objections	6
Total number of support	0
Total number of representations	1

PLANNING CONSIDERATION AND ASSESSMENT

Principle of Development

1. The proposal to replace the previous neighbourhood centre which consisted of retail, residential and motor repair garage with a scheme of retail and residential is considered to be acceptable in principle, being in accordance with policy requirements for appropriate uses within designated neighbourhood centres as is the proposal.
2. The scheme was initially proposed in a slightly different arrangement and included a children's nursery, however, the children's nursery has now been removed and other changes have been made to the scheme following consideration by officers. It is the revised scheme that is before members for consideration.

National & Local Planning Policy & Guidance

3. The Government's guidance is set out in the National Planning Policy Framework (NPPF), which states that the general principle underlying the town planning system is that it is 'plan led'. Put simply, this means all proposed development that is in

accordance with an up-to-date Local Plan should be approved. Proposed development that conflicts should be refused unless other material considerations indicate otherwise.

4. Specific Government guidance for sustainable economic development and building a competitive economy is held within chapter 6 of the NPPF. The chapter outlines the Government's commitment to ensuring that sustainable economic growth is supported by the planning system. It is stated that *significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*
5. Chapter 7 of the NPPF 'Ensuring the vitality of town centres' determines that LPAs should promote competitive town centres, provide customer choice and diverse retail offers; and enhance existing markets ensuring they remain attractive and competitive. Inclusive in this chapter is the requirement to *define a network and hierarchy of town centres and promote their long-term vitality and viability, allows a mix of uses (including housing) and reflects their distinctive characters and to recognise that residential development plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.*
6. The importance of sustainability in new development is further emphasised in chapter 9 of the NPPF. This seeks to reduce the need to travel and reduce environmental impacts of transport.

Local Policy Context and Appraisal

7. The Local Plan seeks to achieve the same principles as the NPPF with good design and sustainable development being key policies (CS5 and CS4). The Local Plan also promotes the supply of housing through Policy H1 and recognises the role of a hierarchy of centres in the town (Policy CS13).
8. The application site lies within the 'Hall Drive Neighbourhood Centre', as defined under Policy CS13 of the Middlesbrough Core Strategy. Policy CS13 encourages retail, commercial, leisure and cultural development within a centre of an appropriate type and scale commensurate with its current and future function. Policy REG30 recognises the role of neighbourhood centres and allows for appropriate uses and promotes the vitality of the centre. The policy also determines that planning permission will be granted for small scale and neighbourhood retail and service uses (Use Class A1, A2, A3 and A5), with development being of an appropriate scale, not having an impact upon the character and amenity of the nearby area, and incorporate a sufficient level of car parking. Specifically, the Policy states that *'no proposed development within these centres, unless it can be demonstrated that it is to meet local needs, is of a scale appropriate to the centre and will not adversely impact upon the vitality or viability of other nearby centres, will be allowed'*.
9. Policies H1 and H11 identify west Middlesbrough as a strategic location for housing, which is to be aspirational, creating a sustainable and balanced mix of high quality design and density appropriate to the location. In addition, Policies H1, CS17, CS18 and CS19 determine all development will be required to ensure that it contributes to, and fully integrates with, a sustainable transport network.
10. Policy CS4 requires all development to contribute to achieving sustainable development by creating inclusive communities, ensuring everyone has access to facilities that they need in their daily lives, promotion of a healthier and safer community, being located so that services and facilities are accessible on foot or by sustainable transport, making the most efficient use of land with priority given to development on previously developed land, protecting biodiversity assets, and by delivering development of a high quality design that improves the townscape.

11. Policy CS5 requires all development proposals to secure a high standard of design that is well integrated with the immediate and wider context, create a safer and attractive environment, and to ensure a quality of new development that enhances the built and natural environment.

Sustainability

12. A neighbourhood centre at Newbridge Court has served the local community for over 60 years and is recognised on the Council's adopted Proposals Map as an important centre to provide nearby residents with essential services. Its recent demolition suggests local residents need to travel further in order to satisfy their daily needs. The construction of four new retail units, including one larger anchor store, will once again allow the neighbourhood centre to serve the local population and minimise the need for people to travel by private car to other nearby local centres. The proposed development would also be seen as making the most efficient use of land, by constructing on the site of the former neighbourhood centre.
13. In terms of providing residential units at the site, these would also be sustainably located, close to the provision of shops and the sustainable transport network, within the established residential area.

Design and Layout Considerations

14. The proposed development is laid out as a single building, in a horseshoe shape, having 3 sides with the ground floor central section being an undercroft parking area. The main section fronts onto Rivaulx Drive and has 4 storey's, the uppermost being set back and of different materials to the main elevation which has been specifically designed to reduce the dominance of the uppermost floor. The central section oversails an area of parking and provides a 1st and 2nd floor and the rear section, closest to the PH, would provide 3 floors all of which give the overall building a main appearance and scale of 3 floors with the front section having the additional storey which is of reduced prominence.
15. Retail units are positioned on the ground floor with retail windows onto Rievaulx Drive and onto the inner courtyard parking area which itself has a single point of access off Rievaulx Drive. The 1st, 2nd and 3rd floors are laid out solely as residential apartments, providing 22no. 2 bed apartments and 2no. 1 bed apartments, a number of which have outdoor seating areas in the form of small balconies, predominantly to the block adjacent to Rievaulx Drive and predominantly facing east and west, although with some facing south. A communal outdoor space exists on the roof of the central section.
16. The proposed development did include a children's nursery which incorporated an outdoor play space although this has since been removed from the scheme.
17. The proposed development therefore replaces the previous two storey, flat roofed development which had a large overhanging canopy to the front of the shops and which was constructed of dark brick and all of which was arguably of a dated and low quality appearance and unwelcoming character relative to modern standards. It is considered that the proposed development will be a significant contrast to the former building/s, with a retail frontage onto Rievaulx Drive along with visible parking areas and a more modern design to the elevations and material palette. The proposals will bring a greater number of apartments onto the site providing more natural surveillance than was previously the case and, in terms of uses (no longer providing a car repair garage) and in terms of appearance, providing a more compatible development within this domestic environment.

18. Having considered the proposed layout and general appearance, it is the officer view that the design and aspect of the proposed retail and commercial units will be of high quality and is in accordance with the design criteria of Policy CS5.

Scale of development and associated impacts

19. Local Plan Policy DC1 requires development proposals to take account of, or satisfy, as a minimum the effect upon the surrounding environment and amenities of occupiers of nearby properties. Evidently the proposed building increases the scale of the now demolished structure from two-storey to predominantly three-storey and four storey in places). There is, therefore a different relationship and impacts on the surrounding environment as a result of the current proposal which requires careful consideration.
20. A number of objections have been raised in relation to impacts on privacy, amenity and overbearing as a result of the scale of the proposed development, the presence of windows serving habitable rooms and balconies and their associated distances from existing residential properties and their gardens. Objections have also been raised suggesting the proposed scale of the development is out of keeping with the character of the area.
21. It is noted that the original housing layout around the shop units was such that the houses were designed with either blank gable walls or garage blocks adjacent to the shops. The public house to the east has its rear elevation orientated towards the application site and the houses to the south (Boltby Close) and west are across highways or separated by a distance in excess of that recommended as being appropriate in the Urban Design Guide notwithstanding objection comments suggesting that the distances should be increased where the height of development increases. Impacts of the proposed scheme are considered below, relative to existing development to the north, east, south and west of the site.

Impacts to the north

22. The closest residential properties to the proposed building are those to the north and being to the north, these will be affected not only by the presence of the proposed building and its increased dominance but also as a result of windows within its elevations the reduced light associated with the properties. The proposals have been amended from the initial scheme to most affected properties are considered to be those to the north. To these properties, the proposed development would be a three-storey (part four-storey) structure that would be closer in proximity than the previous two-storey building. The proposed scheme abuts a residential garage block to the north (western side) and is spaced by approx. 1m from that and this relationship raises no specific concerns. Existing housing to the north is positioned further along the northern site boundary and the proposed development provides car park at ground floor in this location. It is a relatively small car park and provides the parking for the proposed apartments and will therefore be use more infrequently than the parking associated with the shops and is considered will, taking into account boundary treatments, not have an undue impact on amenity or privacy associated with existing residential properties to the north. The remaining ground floor section along the northern boundary provides an integral bin store and which has no openings along its northern elevation which is considered will adequately limit the impacts of movement associated with the operation of the refuse store.
23. The section of the proposed northern elevation is set in from the boundary with the residential properties by approximately 4.5m which assists in providing a greater spacing between windows. The existing properties to the north also lie at right angles to the proposed scheme and any views between windows will be somewhat oblique.

Notwithstanding this, proposed windows are in relative close proximity to those in existing properties. Whilst the majority of windows in the northern elevation serve non-habitable rooms, the ability for adverse impacts on privacy nevertheless remains. In view of this it is considered necessary for certain windows to be obscurely glazed which will be achieved by condition as recommended. Whilst windows may still be able to be opened in some of these locations, the obscuring of key windows will reduce the greater significance of impacts for the greatest periods. The previous shopping centre had its main pedestrian walkway running along the sites northern boundary which would have severely limited the privacy and amenity levels that were achievable as part of the residential occupation to the north and as there is no longer a pedestrian walkway adjacent to properties to the north, it is considered that this adds positively to the considerations.

24. On the third floor, there is provision for an external terrace to serve one of the apartments, as well as an area of 'external community amenity space' for other residents. Whilst the community amenity space is set back from the northern boundary which limits the potential views over neighbouring properties, the private terrace area is close to the northern boundary where there could be harmful overlooking and loss of privacy for residents of the existing houses. To prevent any adverse impacts from overlooking, a condition is recommended for screening for the terrace area.
25. With regards to loss of light, the proposed development, due to its scale and position will result in an additional loss of light with the properties to the north, above and beyond that associated with the previous flat roofed 2 storey development. During the summer whilst being noticeable, will be lesser of than through the winter months when the sun is lower in the sky. The properties to the north are relatively open to their north, east and west and so should remain to get reasonable light from those areas, however, direct sunlight through the winter months will be notably affected and will be to the detriment to the living conditions of the occupiers of the adjacent properties. The step in of part of the building away from the northern boundary will assist this slightly as will the closest section of building being only 3 stories and having a flat roof.

Impacts to the east

26. The eastern elevation of the proposed building is located to the rear of the adjacent public house which itself has accommodation at first floor level. The impacts on the public house mainly relate to the presence and interrelationships between the two buildings, which, are considered to not be of concern, given both the proposed building and the PH will present their 'back of house' elevations facing one another. At 1st and 2nd floors the east elevation has only 6 windows within it, 2 bedroom windows, 2 bathroom windows and 2 communal stair windows the latter of which can be obscurely glazed. A condition is recommended to achieve this.

Impacts to the south

27. Properties in Rievaulx Drive and Boltby Close lie to the south of the proposed building with properties in Cawood Drive also lying to the south east of the proposed building. The proposed site is laid out with the car park access road immediately adjacent to the existing properties to the south (Rievaulx and Boltby) with car park wrapping around the rear and side of properties and adjoining rear gardens of properties in Boltby Close and Cawood. This will result in some noise and disturbance from the proposed scheme through the operation of the car parking. This area however is the area where car parking and vehicular access as well as servicing used to take place associated with the previous development on the site and in view of this, it is considered that there is unlikely to be any additional significant impacts from movement of vehicles as a result of this proposal which also maintains a service access to the rear of the PH. There is a vehicular access point from Cawood through the site, however, the proposed layout is

not seeking to utilise this space. Objection concerns have been raised about what is intended to happen to this area of land which is shown as having no clear use as part of the proposed scheme and a condition is recommended to ensure this is not simply left with open access to it as an area of tarmac.

28. The other main area of impact for properties to the south relates to the presence of the proposed building and proximity of windows. The proposed building will be largely screened at ground floor level from properties existing boundary treatments. At first floor level, the proposed building is approx. 25m away from the rear elevation of properties in Boltby Close and approx. 15m from the side elevation of the nearest property in Rievaulx Drive which exceeds the guidance contained within the Council's Urban Design Guide. Whilst this building is larger than the typical 2 storey to 2 storey relationship to which the distances more commonly relate, the spacing is considered to be adequate to prevent any significantly detrimental impacts on overlooking or loss of privacy. The properties to the south east of the proposed building (Cawood) are at greater distance.
29. The proposed southern elevation is approx. 12.5m from the garden boundary of properties associated with 3 properties in Rievaulx and Boltby and whilst this is relatively close, it is relatively common for housing layouts to provide properties with approx. 10m rear gardens which means elevations with windows in are 10m away from adjoining gardens to the rear. The relationship as proposed, although relating to a 3 storey development at this position, is considered to adequately prevent undue levels of overlooking. The 3rd floor (4th storey) also has an elevation facing south at this position albeit set back from the main elevation by approx. 5m. Narrow balconies are set around the building in this location and will provide some outdoor seating for these apartments. However, these will be at a reasonable distance from the adjacent properties. As with any balcony, its use, at height, will result in a clear appreciation and potential for a perception of being overlooked from existing properties to the south, particularly as they will overlook rear gardens. However, in view of the spacing / distances involved, it is considered that this would not be an undue impact.

Impacts to the west

30. The proposed building is located at a position mainly, aligned with a gap in properties on the opposing side of Rievaulx Drive which assists in reducing the potential impacts of the proposed development. The proposed building is also located approx. 21m away from the residential properties (bungalows) on the opposing side of Rievaulx which is in accordance with the council's design guide for spacing although objection comments have been received suggesting the spacing for structures taller than 2 storey should be increased. The proposed scheme presents a 4 storey elevation onto Rievaulx with the ground floor and uppermost floor being set back from the main elevation by approx. 2m. which slightly increases the distances of these aspects from the residential properties and thereby further exceeds the council's guideline distance. Some of the apartments also have balconies associated with them, however, as these will provide a view across a public thoroughfare, and at distance, it is considered that the privacy or perception of privacy lost as a result of the balconies would not be significant, particularly taking into account balconies at 1st and 2nd floor being relatively limited in size.

Other impacts of scale

31. The proposal represents the replacement of the previous neighbourhood centre, the function of which is to provide a hub for the local community and for this building to be the largest within the immediate surroundings is considered to align with its intended function, becoming a prominent addition into the street scene. The existing street scene includes a mix of bungalows and houses, all with pitched roofs and some to the north of the site having mono-pitch variants which results in additional bulk at 2nd floor level

although it is recognised that these are not the predominant characteristic within the area. Notwithstanding this, it is accepted that the building will be particularly dominant on the area, however, in view of the intended function of the proposals as a neighbourhood centre, in view of the spacing of the proposed building from adjacent properties and in view of the buildings high quality and modern design, it is considered that the proposed development will have a positive impact on the character of the area.

Drainage Considerations

32. The site is within flood risk zone 1, which is recognised as an area with low probability of flooding. The submitted drainage information has been considered by the relevant drainage authorities who are satisfied with the proposed strategy. All surface water will be dealt with in a similar manner to the previous development on site although the proposed scheme will involve the attenuation of water in storm conditions and in doing so will not worsen flooding or the risk of flooding in the immediate or wider area. Conditions in relation to the submitted drainage drawings and the future maintenance and management of the drainage system are recommended to secure an appropriate development.

Highways Considerations

33. The proposed scheme shows an access in a similar position to that previously provided and the scheme would essentially replace a neighbourhood centre and add in a small amount of new housing when considering the amount of housing served by the adjacent road network. The surrounding highways of Glendale Road and Rievaulx Drive are circa 7.3 metres wide; such a width can accommodate some on-street parking without affecting two-way traffic flow or highway safety. Managed areas of formal on-street parking are also provided within defined laybys.
34. In view of these matters, there is no specific concerns over the amount of development from a traffic generation perspective. Indeed, it is considered that the development has the ability to limit trips on the highway by providing the neighbourhood centre which will allow people to walk and cycle to a greater extent.
35. The table below sets out the level of car and cycle parking proposed against the maximum amount of parking guided as being appropriate with Tees Valley Highway Design Guide (TVHDG). Importantly the TVDG is not a site specific document and needs to cover a wide range of developments in a wide range of locations and so careful consideration of individual schemes is important as those in highly sustainable locations can reasonably argue a lesser provision whereas those schemes away from any provisions / links in a rural unsustainable location would need higher provision.

	CAR PARKING		CYCLE PARKING	
	TVDG (max)	Proposed	TVDG	Proposed
Apartments	36	24	6	20
Retail	17	19	10	20
TOTAL	53	43	16	40

36. The proposed development is a small retail centre to serve the local community. These types of development are not designed to attract custom from a wider area and as such have a smaller catchment area with much greater potential for journeys on foot. A large food store on the other hand is designed with a larger catchment to attract customers over a greater area/distance making car travel more likely. Importantly, the retail parking provided is in line, and slightly over the TVDG standards with a much greater

capacity for cycle parking which will serve to encourage more sustainable travel to and from the shops.

37. The apartments are predominantly 2 bedroom although some are 1 bedroom and being positioned above a neighbourhood centre and close to other amenities are considered to be located in a relatively sustainable location which realistically supports lower levels of car ownership. Census data for the ward demonstrates that based upon car ownership per household for the ward that the level of parking proposed is reasonable and realistic. To ensure that this parking is available for residents, the apartment parking is in clearly defined blocks/areas with the majority being away from the retail parking and located adjacent to the resident access points to the building. Generally these parking arrangements are managed by private companies.
38. In terms of sustainability, there is a balance between providing sufficient car parking against encouraging car travel, which leads to further issues. The local area is walkable with schools, public transport, and other local facilities within nationally recognised walking distances (many less than a 10-15 minute walk). The proposed retail facilities will add to this offer for local residents and reduce the need for journeys to other more remote facilities. Bus stops are located on Rievaulx Drive, immediately adjacent to the development, which will provide staff and residents of the development viable alternatives to car travel.
39. Whilst the scheme has reduced the level of car parking, it has over-provided on cycle parking with the aim of promoting sustainable travel. Cycle parking is provided in secure and convenient locations for the differing needs of users. As noted earlier, the internal design and layout of the scheme has provided clear footways and crossing points to support and encourage journeys on foot.
40. Given the above considerations the level of parking is considered to be reasonable and will not be detrimental to the free flow of traffic or highway safety.
41. As for the proposed servicing arrangements, within the site is a turning head that has been designed and provided to adoptable standards, which will ensure that servicing vehicles can enter and leave in a forward gear. Swept path analysis has been provided and demonstrates that the arrangement is practical.
42. It is noted that the site incorporates areas of public highway, which will need to be extinguished. This process is separate to the granting of planning consent and will be undertaken through Section 247 of the Town and Country Planning Act. The highway works to form the site access and layby/footways to the Rievaulx Drive frontage will be covered through agreement under the Highways Act to the standards and specifications of the authority.
43. Given the above factors, there are no objections to the scheme from a highways perspective, subject to conditions requiring details of the off-site highways works, and a method of works statement to protect the existing highway.

Conclusion

44. Overall it has been assessed that the proposed retail and residential uses are acceptable in this location, which is allocated as a neighbourhood centre. The proposed design and scale of the building has been appraised as being acceptable. There will be some detrimental impacts to residential amenity and loss of light, in particular to the north and some notable change of character to what is currently a cleared site. However, the proposed scheme is considered to represent a significant improvement to the previous and current appearance of the site and will re-provide the locality with a much greater degree of sustainability through providing for some of the local day to day needs. It is considered that the significant positive benefits

outweigh the detrimental aspects which themselves have been minimised through careful design.

45. The officer recommendation is to approve subject to conditions.

RECOMMENDATIONS AND CONDITIONS

Approve with Conditions

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: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Approved Plans

The development hereby approved shall be carried out in accordance with the following approved plans:

- a) Proposed Site Plan (200-00 Rev 19)
- b) Proposed Elevations (240-00 Rev 15)
- c) Proposed Ground Floor Plan (210-01 Rev 16)
- d) Proposed First Floor Plan (210-02 Rev 13)
- e) Proposed Second Floor Plan (210-03 Rev 13)
- f) Proposed Third Floor Plan (210-04 Rev 13)
- g) Proposed Roof Plan (210-05 Rev 13)
- h) Proposed Sections (300-00 Rev 14)

Reason: To ensure a satisfactory form of development and for the avoidance of doubt.

3. Samples of Materials

The development hereby approved shall only be carried out using finishing materials of which samples have been submitted to and approved by the Local Planning Authority.

Reason: To ensure the use of satisfactory materials

4. Approved Hours of Use

The hours of opening of the approved retail units shall be restricted to between the hours of 07:00 and 23:00 Monday to Sunday. Thereafter the individual approved units shall be operated in accordance with the approved hours unless the local planning authority gives its written consent to any variation.

Reason: In the interests of the amenities of the area and local residents.

5. Hours of Collections and Deliveries

Deliveries and collections to the premises shall be between the hours of 08:00 and 19:00 Monday to Saturday, and between the hours of 09:30 and 16:30 Sunday. Thereafter the collections and deliveries to the individual approved units shall be

operated in accordance with the approved hours unless the local planning authority gives its written consent to any variation.

Reason: In the interests of the amenities of the area and local residents.

6. Refuse Collections

Collections from the commercial refuse stores shall be kept between the hours of 08:00 and 19:00 Monday to Saturday, and 09:30 to 18:30 Sunday.

Reason: In the interests of amenity of residents having regard for policy DC1 of the Local Plan and section 12 of the NPPF.

7. Turning/Servicing

No part of the development hereby approved shall be occupied until facilities clear of the public highway have been provided for the manoeuvring of vehicles in accordance with the approved drawing(s) 200-00 Rev 19 or such drawings which are subsequently submitted to and approved in writing by the Local Planning Authority. The drawings shall show means of access, dimensions, surface treatment and drainage. The areas so provided shall at no time be used for any other purpose and retained thereafter 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.

8. 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.

9. Off-Site Highway Works

The development hereby permitted shall not be occupied until the highway works detailed below have been carried out in accordance with the approved highway works phasing plan and submitted drawing(s) 200-00 Rev 19 or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority:

- a) Removal of the Northernmost existing vehicular access to Rievaulx Drive
- b) Construction of a parking layby to Rievaulx Drive with associated resurfacing of the adjacent carriageway
- c) Construction of an adoptable flagged footway along Rievaulx Drive to the rear of the layby
- d) Formation of a junction to serve the proposed site with pedestrian crossing facilities consisting of dropped kerbs and tactile paving
- e) Removal of the existing vehicular access to Cawood Drive and reinstatement to full height kerb and footway.

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.

10. 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.

11. Soft Landscaping

Prior to the occupation of the development hereby approved, a detailed scheme for tree planting and associated soft landscaping works (based on the indicative landscaping proposals on the approved drawings) shall be submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall include details of the proposed trees to be planted, including their species, size and location. The tree planting and associated landscaping works shall take place during the first available planting season (October-March) following the completion of building works on the site. The Local Planning Authority shall be notified within two weeks of the landscape planting works.

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

12. Landscape Management Plan

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

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

13. Replacement Planting

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

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

14. Adjacent Commercial Premises Noise Assessment

Prior to the commencement of development a noise assessment from a noise consultant detailing the noise levels that residents are likely to be exposed to from

the neighbouring/nearby commercial premises together with a scheme designed to protect these dwellings from any noise transference shall be submitted to and approved in writing by the Local Planning Authority. The levels required to be met in habitable rooms of the proposed accommodation are those set in BS 8233(2014) measured when the neighbouring commercial business is in use. The report shall also identify all works that will be necessary to protect the residents from noise. Any scheme provided to protect the proposed development from noise shall be completed prior to any of the residential accommodation hereby approved being occupied. Any mitigation works must be retained on site in an operational state for the lifetime of the building.

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

15. Ventilation/Fume Extraction System

Prior to their installation, details of any ventilation and fume extraction system suitable for uses within class A1, including a full technical specification by a suitably qualified person, specifying the position of ventilation fume or flue outlet points and the type of filtration or other fume treatment to be installed and used at the premises in pursuance of this permission, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be installed before the respective use hereby permitted commences and thereafter shall be retained on site in full accordance with the approved details in an operational state for the lifetime of the use. The ventilation and extraction system shall be operated and maintained in accordance with the manufacturers recommendations including the frequency of replacement filters.

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

16. Details of Boundary Treatments

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

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

17. Approved Drainage Scheme

The development hereby approved shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Catchment Plan" dated 24/08/2020. The drainage scheme shall ensure that foul flows discharge to the foul sewer network at 3 locations; upstream of manholes 1004, 1007 and 2003. Surface water shall discharge to the surface water sewer upstream of manhole 2002. The surface water discharge rate shall not exceed the available capacity of 5.0 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

18. 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 (P20-128-3E-ZZ-XX-DR-C-1001-P2), dated August 2020 and restricts surface water discharge from the development to a greenfield runoff rate of 5 l/s or as specified by the LLFA.

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.

19. Surface Water Drainage Management and Maintenance Plan

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

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

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

20. Screening for Upper Floor Terrace

A detailed scheme for the protection of the residential occupiers within the neighbouring units from the external terraced areas shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of screening and any other measures to mitigate the adverse impacts of noise and visual disturbance. Any approved scheme shall be implemented within the approved development, prior to the use of the terrace areas, and retained in perpetuity.

Reason: In the interests of safeguarding the living conditions of the existing neighbouring residential occupiers.

21. Obscure Glazing

The development hereby approved will only be occupied once a scheme of obscure glazing has been installed into the development in accordance with a scheme of such which has first been submitted to and approved in writing by the Local Planning Authority. The approved and implemented scheme shall be retained in perpetuity.

Reason: In order to ensure there are no undue impacts on residential amenity.

22. Car Park Management

The car park shall be laid out and maintained in perpetuity in accordance with a management plan which has first been submitted to and approved in writing by the Local Planning Authority. The management plan shall dictate how the residential and commercial parking shall be provided and operated.

Reason: In order to minimise the risk of ad hoc and inappropriate parking in the wider area.

23. Land to south east corner of the site

Notwithstanding the details hereby approved a scheme of treatment for the land within the south eastern corner of the site attached to Cawood Drive shall be implemented on site prior to the first occupation of the development in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a suitable treatment of the land.

REASON FOR APPROVAL

This application is acceptable as the proposed mixed use development comprising retail use at ground floor and residential apartments on the upper floors is in full accordance with the relevant national and local planning policies.

In particular, the proposed mixed-use development adheres to the principles and guidance contained within the National Planning Policy Framework and the policies regarding sustainable development, the efficient use of land, transport and accessibility, appropriate measures to mitigate flood risk, conserving and enhancing the historic environment, and it would not be detrimental to the amenities of local residents and other neighbouring uses.

Accordingly, the Local Planning Authority considers that there are no material planning considerations that would override the general assumption that development be approved unless other material factors determine otherwise.

INFORMATIVES

Informatives: Environmental Health matters

Noise from Construction Work

The developer should be aware that noise from construction work and deliveries to the site may have an impact upon local residential premises. The developer may apply for a prior consent under the Control of Pollution Act 1974 Section 61 with regard to working hours at the site. The developer can contact the Environmental Protection service for require more details regarding the prior consent process. The hours that are recommended in the Control of Pollution Act for noisy working are 0800-1800 Monday-Friday, 0800-1300 Saturday and no working Sundays and Bank Holidays.

Sound-Proof Machinery

Before any ventilation and fume extraction system is used on the premises it shall be enclosed with sound insulating material and mounted in a way which will minimise transmission of structure borne sound in accordance with a scheme to be approved in writing by the Local Planning Authority. Further advice is available from the Community Protection Service.

Informatives: Highways Related Matters

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.

Works to Highway- S278

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

Extinguishment of Highway

Implementation of this proposal will require the extinguishment of publicly maintainable highway. The extinguishment process is a separate Legal process to the granting of planning consent and is not guaranteed to be successful. Extinguishment must be commenced before any work is commenced in the vicinity of the affected area and takes in the region of 6 months to complete.

For further information contact the Highway Authority (tel: 01642 728153).

The permission hereby granted should not be construed as authority to place signage, skips, scaffolding, hoarding or building materials within the public highway nor allow cranes/structures to oversail the public highway. Highways consent and the appropriate licence(s) are required prior to these activities.

Further information can be found at:

<https://www.middlesbrough.gov.uk/parking-roads-and-footpaths/roads-and-highways/highway-licences> or contact the Highway Authority (tel: 01642 728153).

Informatives: Drainage Related Matters

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

Case Officer: Peter Wilson

Committee Date: 5th February 2021

