
APPLICATION DETAILS

Application No:	19/0355/FUL
Location:	Land At Hemlington Lane Middlesbrough
Proposal:	Erection of 18 no bungalows with associated access and landscaping works
Applicant:	Mr Ken Shannon
Agent:	Mr Craig Van Bedaf
Company Name:	POD
Ward:	Kader
Recommendation:	Approve with conditions

SUMMARY

The application seeks planning consent for the erection of 18 bungalows with associated highway works, landscaping and infrastructure on the area of land located to the east of Hemlington Lane in Middlesbrough.

Following consultation there have been a total of 11 objections received from nearby residents and an objection from Councillor Arundale.

The objections and concerns are based on matters including the density of the development, the quality of the development, impact on the character and appearance of the area, loss of green space, impact on ecology and wildlife, traffic issues including congestion and highway safety, noise and traffic impacts during construction works and flood related issues on the highway

The proposed development will provide detached dormer bungalows which are considered to be a high quality design and which reflect the existing mixture of house types within the vicinity. The site layout has been designed to provide properties focussed around a central open space with other landscape strips to the rear of existing properties and around the site entrance. The development will result in no notable detrimental impact on the amenities of the neighbouring properties.

Highway works include the provision of a Toucan crossing point and designated right hand lane on Ladgate Lane and a proposed footpath along Hemlington Lane to link the development to Ladgate Lane, which are considered to be an improvement to the existing highway arrangements. The Toucan crossing payments will be secured through a section 106 agreement with the provision of the footway on Hemlington Lane through a section 28/278 agreement.

There will be no affordable housing provided within the site itself with an off-site financial contribution of £425,000 being provided through a section 106 agreement.

The site is designated Green Wedge within the local plan and is contrary to the provisions of this policy, however consideration is given to the sites planning history. Development of the site was approved by the Planning Inspectorate in 1993, and by the council's planning committee in subsequent years (2000 & 2015). Whilst all of the previous permissions have lapsed the matter of the site being in the green wedge was considered in the latter of those decisions and due to the position of the site relative to surrounding features and the wider green wedge, it was considered that development of the site would not unduly affect the wider purpose of the designated green wedge.

The proposed development is considered to meet the requirements of the relevant national planning policies detailed within the NPPF and Local Plan Policies, specifically, H11, H12, CS4, CS5 and DC1.

The recommendation is for approval of the application subject to conditions and the entering into a S106 agreement for off-site provisions to make the application acceptable.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The site is located to the east of the existing housing on Hemlington Lane and to the south of Ladgate Lane. To the south of the site is the A174 and to the east of the site is the slip road onto the A174 from the Ladgate Lane and Sandy Flatts Lane roundabout.

The site itself comprises of 1.2 hectares. The majority of the site is enclosed with established trees with the area to the north and north/east being open grassland up to Ladgate Lane.

The proposal is for the erection of 18 dwellings that will comprise of 3 and 4 bedroomed detached dormer bungalows. The dwellings will have four principle designs to include both integral and detached garages.

The site layout includes a single vehicular entrance into the site from the southern end of Hemlington Lane. The layout proposes the dwellings and highway access provided around the central open space area. The existing landscape strip and established trees will be retained along the southern boundary of the site between the A174 and to the west of the site between the existing properties along Hemlington Lane.

Highway improvement works will be undertaken along Hemlington Lane to provide a pedestrian footpath link on the eastern side of Hemlington Lane to link the development site to Ladgate Lane. Highway Improvement works on Ladgate Lane include a designated right hand lane into Hemlington lane and a formal pedestrian/cycle (Toucan) crossing to the west of the entrance to Hemlington Lane.

Drainage provision for surface water drainage from the site will include an underground attenuation tank located underneath the central open space area.

In addition to the landscaping provided within the site layout the proposal includes a financial contribution for offsite tree planting, which will be secured by a section 106 agreement.

A Section 106 agreement will be in place for contributions to the highway improvement works, affordable housing provision and the replacement tree planting.

Documents submitted in support of the application include:-

- Design Compliance Statement
- Preliminary Ecological Assessment

- Ecological Badger Inspection Survey October 2021
- Flood Risk Assessment
- Drainage Maintenance Statement
- Noise Impact Assessment
- Phase 1 Desk Study Site Investigation Report
- Phase 2 Intrusive Site Investigation Report
- Traffic Management Plan

PLANNING HISTORY

Previous planning history for the site includes:-

C1286/70 - Application for certificate of appropriate alternative use under section 17 of the land compensation act 1959, approved.

M/FP/0110/93/P - Use of land for residential development – refused but later allowed at appeal.

M/OUT/1621/99/P – Outline permission granted for residential development at committee in January 2000. The outline application provided no specific detail on the number of dwellings and no conditions were attached to the approval in relation to the number of dwellings.

2015 Public Inquiry on application for village green status that was quashed.

M/OUT/0918/15/P – Outline application for residential development, approved by committee on the 2nd September 2015. The outline application provided no specific detail of the number of dwellings and no conditions were attached to the approval setting out the number of dwellings

18/0613/OUT- Outline planning application for residential development of up to 16 dwellings, withdrawn following submission of this current full application.

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:

E2 – Green Wedge
 H11- Housing Strategy
 H12- Affordable Housing
 CS4 – Sustainable Development
 CS5 - Design
 CS1 7- Transport Strategy
 CS18 - Demand Management
 CS19 – Road Safety
 DC1- General Development
 UDSPD- Urban Design Supplementary Planning Document

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

Eleven objections have been received from residents at 7 properties and an objection from Councillor Arundale.

The objection comments are summarised below.

Density

- a. 22 Dwellings exceeds the original outline number and not executive style homes
- b. Exceeds the original outline application density for the site
- c. Not bungalows which by definition are single storey buildings. They are dormer style to provide 3 to 4 bedrooms in a small space to maximise the amount of houses and profit.
- d. Following the 2015 refusal of the village green residents were advised of a requirement for larger executive style bungalows and would not exceed 11. This egg box style house does not meet that criteria.

Amenity

- e. Construction traffic and the associated noise and mess

Character and appearance

- f. Design of houses is not in keeping with the area.

Ecology/wildlife

- g. Deer, bats and large variety of birds on the site.
- h. Ecology report was preliminary undertaken in February at the wrong time of the year and inadequate
- i. Bat survey should also be carried out as present on the site.
- j. Trees alongside Meadowcroft will be removed for the access and this will increase noise to this property and is ecologically unnecessary.
- k. Trees shown on drainage easement on all drawings except C-1823-01
- l. Removal of trees which were planted as a sound barrier.

Green Space

- m. A 2015 village green application was refused at a hearing and following the meeting it was indicated that a development of 11 bungalows would be considered for the site. In 2018 an outline application was submitted for the site for 16 bungalows to renew the outline consent which had lapsed.
- n. One of the few areas of green space remaining in Middlesbrough.
- o. No requirement for additional homes on green space as housing nearby on the former Police HQ site, small development at the Golf Course. 11 signs for nearby housing within 100 yard stretch of road at the Blue Bell and end of Landgate Lane.
- p. Trees planted by the Council and continued by the residents for 40 to 50 years

Highways

- q. Road safety issues as access is via Hemlington Lane and issues with crossing the dual carriageway particularly on school days between 7.45am and 9am and 4.30 to 6pm and this is with only 6 cars in use along Hemlington Lane. Only a short section of road (one vehicle length) between the bollards opposite Hemlington Lane to turn.

- r. Access issues now with cars speeding from the mini-roundabout and not expecting people to turn into Hemlington Lane
- s. Turning into Hemlington Lane from the roundabout coming from Marton Road is a blind turn
- t. 22 dwellings with average of 2 cars would generate 44 additional vehicles in addition to the 6 currently within Hemlington Lane (some of whom retired) and jump from 6 to 50 unacceptable given current hazards on the road junction.
- u. Large volume of construction traffic on a daily basis on a narrow lane which has a narrow mouth, the current bin collection is at 7 am to avoid traffic.
- v. Increase in traffic is unsustainable for the current junction at Hemlington Lane
- w. Aerial view shows only safe and direct access would be from a spur off the mini-roundabout which would be similar to the Sandy Flatts Lane cul-de-sac access.
- x. Will create highway congestion
- y. Hemlington Lane unsuitable for increased traffic and parking.
- z. Access loop road within the development is so narrow will not allow emergency vehicle access.
- aa. Traffic survey during peak times would highlight the danger in turning into Hemlington Lane
- bb. Revised plans show a puffin crossing to the right of the exist on Hemlington Lane joining anew footpath which passes across all 5 properties taking in the grass verge in front of our houses. Several properties have block paved driveways that need to be crossed, all 5 houses have considered the grass verge as their own and maintained them so we object to this part of the proposal.
- cc. Suggest puffin crossing to the left of Hemlington Lane to connect to the 2 bus stops and more appropriate given people on foot coming from the Blue Blue Bell or Acklam Road shops/bus stops. The link footpath could be placed on the west side of the Lane where there is room without damaging our properties.
- dd. Emergency vehicles use Ladgate Lane for James Cook and there is a more suitable entry to the development off the mini-roundabout.

Drainage

- ee. No current drainage on the existing access road
- ff. Current water supply to the properties is barely adequate so would need new water supply.
- gg. Potential damage to the high pressure pipeline that lies underneath the area

Residual Issues

- hh. Reduce property values on Hemlington Lane
- ii. Site notices erected on the lamp posts on Ladgate lane where no footpath (Hemlington Lane side) and people walk on the opposite side.
- jj. Concerns the development only impacts on Hemlington Lane properties and due to Covid restrictions views will not be heard.

Resident objection comment received from :-

1. Newland, Hemlington Lane x 2 individuals
2. Hemlington Croft, Hemlington Lane x 2 individuals
3. Meadowcroft, Hemlington Lane x 2 individuals
4. The Moorings, Hemlington Lane x 2 individuals
5. Wayside, Hemlington Lane
6. 28 Sandy Flatts Lane
7. 135 Glendale Road

Public Responses

Number of original neighbour consultations	32
Total numbers of comments received	7
Total number of objections	11
Total number of support	0
Total number of representations	0

Councillor Arundale

As a ward Councillor I wish to object to the following application on several grounds, the main being the chosen access to the site. I earlier requested that access to the site for both construction and permanent use be made from the roundabout that at present serves Sandy Flatts Lane. I recall very clearly the reason given by highways for refusal was it would slow traffic flows! How then does the proposed reduction to single lane traffic of the section of Ladgate Lane from the same roundabout to the Blue Bell roundabout by means of hatched areas not slow traffic flows- no consistency here. Also the denied access from the roundabout replicates the roundabout at Nunthorpe almost identically and what is proposed elsewhere – again no consistency. It's my view the decision to use Hemlington Lane as access is more to do with finance rather than technical problems – so much easier and cheaper to use Hemlington Lane - a single carriageway road quoted as such in your travel plan!

Plus it probably allows two more houses (not bungalows in my book) to be built – more tax and new homes revenue – never mind the traffic issues to be suffered by residents on Hemlington Lane.

Further to that although I accept numbers have been reduced I expect little if any reduction in traffic flows because of as I remember an increase in numbers of larger houses and the parking arrangements to my mind fail to accept the reality of today's families having increasing numbers of vehicles.

Parking spaces for residents one behind the other and in one corner four -- two behind two in front of the garage to serve several properties with no visitor parking – made worse by an approach road one vehicle wide – how on earth is that expected to work !

MBC Strategic Policy

The site is designated as Green Wedge in the main, with the northern part White Land. Policy E2 precludes residential development and requires proposals to not affect the predominantly open, green character; create undue disturbance; harm visual amenity; or reduce physical separation between development.

Policy E2 was saved by Secretary of State (SoS) direction in 2007. The SoS advised where policies were originally adopted some time ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions on planning applications.

The Local Plan Policies were adopted in 1999 and intended to cover the period up to 2006. The Green Wedge in the application site is fragmented from the wider Green Wedge by the road network. It is considered that residential development of the site would not be detrimental to the integrity of the wider Green Wedge.

The principle of residential development on the site has been established by Planning Permission, M/OUT/0918/15/P granted on 14.09.15.

Policy H11 for West Middlesbrough seeks to protect the high environmental quality of the area and requires new housing to meet aspirational needs and create a sustainable and balanced mix of housing and be of high quality and density appropriate to the location. The proposed development is a higher density than the existing dwellings on Hemlington Lane, but lower density than relatively modern developments in the locality (e.g. Finchlay Court). The proposed development includes a mix of dwellings, half of which are bungalows, which will contribute to a balanced housing stock.

Policy H12 requires development in Kader Ward to provide a 15% affordable housing contribution. The Policy advises that for sites under 30 dwellings the affordable housing requirement shall be provided as an offsite financial contribution. The application does not provide any details of how affordable housing will be provided.

Policy CS4 requires all development to contribute to achieving sustainable development. Policy CS5 requires all development to demonstrate high quality of design. Policy DC1 requires that the effect on protected open space within Green Wedges is limited; 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; and the effect upon the amenities is minimal. The site is located adjacent to the A174 and consideration should be given to whether appropriate measures are proposed to mitigate noise and any potential air pollution to ensure satisfactory amenity for future occupants.

In summary the application is contrary to Policy H12 and should not be approved until the affordable housing contribution has been secured.

MBC Highways (In summary)

The proposal is to create 18 bungalows to be served from Hemlington Lane. The internal layout will be designed and constructed to adoptable standards, although only part of the new internal layout being proposed is being offered for adoption. The vehicular parking provision is in line with the Tees Valley design guide and specification. Further formal provision has also been made in the form of 6 designated visitor parking bays.

The existing access from Hemlington Lane onto Ladgate Lane (B1380) requires right turning vehicular movements to cross a number of lanes, Ladgate Lane at this point currently accommodates approximately 20,000 vehicles per day. Highway improvement works have been proposed in order to mitigate the issue of right turning manoeuvres, with a designated lane being created for entering and exiting Hemlington Lane. This will involve adjustments to the central reservation on Ladgate Lane, with the introduction of appropriate signage and road lining to highlight the arrangement.

Given the number of units and the current levels of traffic on the surrounding network, the anticipated traffic generation of the site will not have a material impact on the operation of the highway network.

In terms of pedestrian and sustainable transport access, currently there is no footway on Hemlington Lane itself, with limited provision on the south side of Ladgate Lane, which is available in order to facilitate access to a bus stop. There is cycling provision on the north side of Ladgate Lane, but from Hemlington Lane there is no safe or formal crossing arrangement to enable access to this facility for pedestrians or cyclists. Given the need to ensure sustainable transport provision is accommodated within all new developments in Middlesbrough, a footway on Hemlington Lane and safe crossing point over Ladgate Lane must be provided. This would mean the introduction of a Toucan crossing point approximately forty metres west of the Ladgate Lane / Hemlington Lane junction. These works can be carried

out as part of a 278 agreement, in line with the aforementioned works to the central reservation and designated turning lane. This infrastructure will enable access to the locality for amenity.

An appropriate scheme for lighting arrangements will also have to be considered given the need to expand Hemlington Lane to accommodate the development.

Mitigation

- Provision for a formal crossing arrangement to accommodate pedestrians and cyclist movements accessing the north side of Ladgate Lane from Hemlington Lane.
- Eastbound vehicles turning into Hemlington Lane from Ladgate Lane will have a designated right turn lane.
- Lighting arrangements would have to be considered throughout the development to ensure it meets adoptable standards and supports the provision of the schemes implemented as a result of the development.
- Lining works on Ladgate Lane would have to be carried out in order to facilitate the new arrangement.
- Creation of a footway on Hemlington Lane

As a result, we have no objections to the development subject to conditions relating to the construction, design and materials for the roads/footpaths, off-site highway works and a method of works statement.

Highways England (In summary)

No objections subject to the following condition:-

Framework Construction Traffic Management Plan by SAJ Transport Consultants Ref NO JN2102-Rep-0001.2 Dated 5 November 2020 must be implemented to the satisfaction of Middlesbrough Council Planning Authority in consultation with Highways England for the application to be acceptable.

Reason:- To ensure that the A174 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.

NWL (In summary)

We have no objections subject to the development being completed in accordance with the "Proposed Drainage Strategy". In this document it states the foul and surface water flows shall discharge to the existing combined sewer at manhole 4504. The surface water discharge rate shall be restricted to 5l/sec.

We would therefore request that a condition be placed on the application that the proposal be completed in accordance with the submitted drainage strategy dated 19th March 2021 with the final surface water discharge rate agreed with the Lead Local Planning Authority.

An informative should be added to the application regarding Northumbrian Water not allowing building works over any of their apparatus and the applicant should contact NWL regarding precise locations of apparatus.

Northern Gas (summarised)

No objections, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, we require the promoter of the works to contact us directly to discuss our requirements in more detail.

MBC Local Flood Authority

I have looked at the information provide and I have no objections to the development subject to conditions requiring a Surface Water Management Plan and a Surface Water Management and Drainage Plan.

MBC Waste Policy

Please note that properties serviced by "shared drives" will need to make their refuse and recycling receptacles available at the nearest public highway for collection.

Waste Services are not allowed to travel on shared drives (private)

Adequate provision should be made within the development for the temporary collection stance of bins on collection days

MBC- Environmental Protection Team (summarised)

No objections subject to a sound attenuation condition.

Before the use of the development is commenced, validation testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such validation testing shall:

- i. Be carried out in accordance with the approved noise assessment.
- ii. Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

Tees Valley Wildlife (In summary)

On the basis that the development will clear around 1 hectare of woodland and that the expected planting density of a new, similar sized area would be trees at 4m centres, it would seem reasonable to ask for 2,500 trees in compensation which would equate to a contribution of £2,500 (£1 per tree).

Secure By Design – Cleveland Police

- Along the eastern boundary with the woodlands for a 2.2 metre high fence or railing fence rather than the 450 mm timber kick rail shown on the plans
- All the private driveways which are located between the properties should have dusk to dawn lighting for the car park areas.
- Should be to Secure By Design gold standards and if not a minimum of silver standards
- The gates and fences around the sides of the properties should be 2 metres minimum and not 1.8 metres.
- Issues in terms of the parking spaces shown behind plots 21 and 22 in terms of no overlooking from the proposed properties and therefore potential security issues.

PLANNING CONSIDERATION AND ASSESSMENT

Policy Context

1. Under saved Local Plan Policy E2 (Green Wedge) the application site is allocated as green wedge. Policy E2 comments that the green wedge areas form a major element

of the greenspace network and will be retained as open space and that planning permission within the green wedge will not be granted for development which would:

- a. *Involve residential development not required for agriculture or forestry or substantial building works; or*
 - b. *Result in the loss of grade 1, 2 or 3a agricultural land; or*
 - c. *Affect the predominantly open, green character of a Green Wedge or create undue nuisance or disturbance to occupiers of nearby properties or to quiet enjoyment of the open space in the Green Wedge; or*
 - d. *Harm visual amenity; or*
 - e. *Adversely affect areas of nature conservation or archaeological value; or*
 - f. *Impair public access to green wedges, or compromise greenlinks (policy E4); or*
 - g. *Prejudice the sustainability of agricultural or forestry operations; or*
 - h. *Reduce the physical separation between existing development*
2. Housing Local Plan Policy H11 (Housing Strategy) for West Middlesbrough seeks to protect the high environmental quality of the area and requires new housing to meet aspirational needs and create a sustainable mix of housing. The policy requires the new housing to be of a high quality and density appropriate to the location.
 3. Housing Local Planning Policy H12 (Affordable Housing) requires new housing development within the Kader ward to provide a 15% affordable housing contribution and for sites which are under 30 dwellings to provide the affordable housing contribution as an off-site financial contribution.
 4. Core Strategy Policies DC1 (General Development), CS4 (Sustainable Development) and CS5 (Design) 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.
 5. CS17 (Transport Strategy) requires development to be located where it will not have a detrimental impact on the operation of the strategic network. Policy CS18 (Demand management) requires that the level of private car parking be restricted to be in accordance with the Tees Valley Design Guide and Specification with Policy CS19 (Road Safety) advising that new development should include measures to discourage car use and encourage sustainable transport choices.
 6. The main considerations with this proposal are the principle of the development, site layout and design, impact on the character and appearance of the street scene, amenity, ecology/landscaping, highways, flood risk and any other residual matters.

Principle of the development

7. The principle of residential development on the site was previously established through the three previous planning approvals for the site. Residential housing was approved in 1993 (M/FP/0110/93/P), 1999 (M/OUT/1621/99/P) and 2015 (M/OUT/0918/15/P). The consent for the most recent 2015 outline scheme has lapsed, however the policies which applied to that application still remain relevant policies to be considered now. Furthermore, there have been no changes in Planning Policy since the 2015 approval was granted.
8. The Local Plan was adopted in 1999 and whilst the Green Wedge policies have been saved they have not been reviewed and as such must be considered in the context of more recent policy changes including the NPPF. The majority of the application site is

allocated within the adopted Local Plan as green wedge with only part of the northern section of the site being unallocated.

9. Saved Policy E2 seeks to retain green wedges and open space areas as they provide a major element in terms of the greenspace network. Policy E2 states that residential development will not be considered suitable unless it relates to accommodation for agricultural or forestry workers or would not affect the predominantly open, green character or quiet enjoyment of the green wedge or create undue nuisance or disturbance to occupiers of nearby properties. In addition, Policy E2 comments that new development should not harm visual amenity, impair public access to green wedges/compromise green links or reduce the physical separation between existing development. It is officer opinion however that in this instance little weight can be attributed to saved policy E2 in the consideration of this application.
10. The proposed housing will not be utilised for agricultural or forestry needs, but the location of the development is immediately adjacent to the residential development at Hemlington Lane to the west and new residential development being constructed to the east across the A174 slip road on the area of land to the west of Coulby Manor Farm. The location of the site between these areas of existing built form results in the site being viewed as a continuation of the existing urban development in this area and as a result is not considered to have a significant impact on the existing open character or the enjoyment of the wider green wedge.
11. Policy E2 refers to maintaining the physical separation between existing development and the green wedge to preserve the open character of the green wedge and this stands as a principle for the entirety of the Borough's Green Wedge. However, in this instance, there is residential development immediately adjacent to the site and development to the immediate north on the opposing side of Ladgate Lane. Notwithstanding this, the A174 serves as a buffer between developments to its north and south.
12. Although the proposal will result in the loss of an area of the green wedge, the physical separation of the application site from the remainder of the green wedge allocation means it differs from other allocated green wedge areas. The application site is segregated from the wider surrounding green wedge areas due to the position of the adjacent highway network. Ladgate Lane and the associated Sandy Flatts and Ladgate Lane roundabout segregate the site from the green wedge area to the north and north-east with the A174 segregating the site from the green wedge areas to the south-east. It is therefore considered that this physical separation of the site from the wider green wedge allocation and the lack of current linkage to the wider areas of green space, will prevent its loss from having a detrimental impact on the overall wider integrity of the green wedge area or compromise existing green links.
13. To the east of the application site across the A174 slip road is an area of land to the west side of Coulby Manor Cottage which was allocated as green wedge within the local plan which was similarly segregated from the wider green wedge areas by highway infrastructure. This site received planning approval in 2012 for 7 dwellings, with construction having started (M/FP/1009/12/P). This site is similar to the application site in terms of the physical location of the green wedge allocation. That site had previous approval for a caravan park and crazy golf and planning approval was granted in 2012 following assessment of the previous approvals for the site and having considered the National Planning Policy Framework's presumption in favour of sustainable development along with the requirement for a balanced housing stock.
14. The majority of the site is enclosed with established trees with only the northern area towards Ladgate Lane being grass verge. A strip of the existing tree belt along the

western and southern boundaries of the site will be retained along with the existing trees which lie outside of the eastern site boundary adjacent to the A174 slip road. The proposal will result in a large number of the established trees removed within the site itself that will result in a change to the existing appearance of the site from the street scene.

15. The site layout and design has been amended to provide a more open aspect. With the proposal providing dormer bungalows, reduced in number from the initial submission, down to 18, with rear gardens facing Ladgate Lane. The northern boundary of the site will provide a native hedgerow. The proposal will result in the loss of a section of the green wedge. However, given the principle of the development of housing on the site has been accepted through previous approvals on the site the revised design, density and landscaping provided alongside the physical separation of the site from the wider green wedge means the impact on the character and appearance of the overall green wedge area is considered to not be significant.
16. Policy H11 (Housing Strategy) advises that housing development within West Middlesbrough should maintain the high quality of the area and requires new housing to meet aspirational needs and create a sustainable and balanced mix of housing. Policy H11 sets out that new development should be of a high quality of design and density which is appropriate for the location.
17. The proposed density of the site has been reduced from the original 22 bungalows to 18 bungalows. Whilst the density is higher than the nearby residential properties located along Hemlington Lane it is lower than the density of several of the modern development within the vicinity such as Finchlay Court. The proposed bungalows will contribute to providing a balanced housing stock within the immediate area.
18. Policy H12 (Affordable Housing) requires new housing development within the Kader ward to provide a 15% affordable housing contribution. The policy advises that for sites under 30 dwellings such as this application site, the contribution will be provided as an off-site contribution. The development will provide no on-site affordable houses and so an off-site contribution will be secured by a section 106 agreement.
19. Policies DC1, CS4 and CS5 seek to ensure that all new development is a high quality sustainable development. The application site is located within a predominately residential area and is within walking distance of local services provided towards the Blue Bell Roundabout with schools and bus links on both sides of Ladgate Lane. The proposal will provide a new footpath link along Hemlington Lane and a Puffin Crossing on Ladgate Lane to improve footpath and cycle links to the site and existing properties along Hemlington Lane. The site is considered to be within a sustainable location
20. The revised site layout is considered to provide a more comprehensive development that includes a central open space area with the majority of the dwellings fronting the open space. The dwelling numbers have been reduced which has provided opportunities for detached garages to the rear of properties and driveways to the side to increase the front garden areas. Individual properties provide the required privacy separation distances. The reduction in the number of dwellings to 18 is considered to provide an acceptable density without compromising on the standard of the development.
21. It is considered that the development meets the requirements of Policies DC1, CS4, CS5 and H11 and H32.

Site Layout and Design

22. The National Planning Policy Framework (NPPF) paragraph 124 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 125 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.
23. 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'.
24. The site is located immediately to the east of a row of detached residential properties along Hemlington Lane with Ladgate Lane located to the north. The A174 is located towards the southern boundary of the site with the A174 slip road located towards the eastern boundary. The overall gross density of the site with 18 dwellings is slightly higher than the existing density provided from the properties on Hemlington Lane, however is comparable to the modern housing development to the west at Finchlay Court. The site layout provides a mixture of 3 and 4 bedroomed dwellings providing four detached house types which will be dormer bungalows. The proposed dwellings will include a mixture of integral and detached garages. The properties have varying garden sizes, but each property will provide sufficient private amenity space.
25. The site layout has been amended since the original submission to reduce the number of properties to 18 and to provide an area of open space within the centre of the site. The dwellings within the scheme have been designed so the majority of the properties front the central open space area. The revised design will provide rear gardens towards Ladgate Lane with the rear elevations of the properties set back from the main highway. The layout will retain some of the existing trees within strips of land to the rear of the properties along the western, southern and eastern boundaries of the site. To integrate the proposed dwellings with the existing properties that front onto Hemlington Lane and to improve the view into the site, the layout provides a dwelling positioned towards the entrance of the site.
26. Objection comments have been made that design of the properties does not fit in with the character of the area. Whilst the properties are two storey, they are dormer bungalows which will assist in minimising the height, bulk and scale of the properties. Each of the properties include a mix of design features such as individual pitched roof dormers, bay windows, projecting front gables and stepped front elevations. The rear of the properties provide single storey off-shoots with floor to ceiling glazing features. The materials for the dwellings have been set out as traditional materials within the Design Statement although their precise specification will be secured by condition as recommended.
27. Consideration has been given to the 'Secure By Design' principles and the comments of the Police Architectural Liaison Officer. The revised layout has removed garages that were located to the rear of properties that had no natural surveillance, perimeter boundary fence heights have been increased and opportunity for the site to be used as a through route has been closed off. Concerns were raised by Cleveland Police Secure By Design officer on the gate heights to the side of properties being only 1.8 metres in height, however this height is considered to be a reasonable height for security purposes.
28. A number of concerns have been raised in relation to the initial consultation, regarding the density of the site and that the 22 dwellings exceeds the outline consent and that

the properties are not executive style housing. The outline permissions approved in 1999 and 2015 had no dwelling numbers approved as part of the outline application. Notwithstanding this, officers have had concerns over the density of the development and how this affected the site layout and relationships between properties. Following requests being made to the applicant, the number of dwellings within the site has been reduced from 22 to 18 dwellings.

29. Based on the current site layout and the levels of amenity provided to the occupants and the existing neighbours, the current density provided within the site is considered acceptable.
30. Some objection comments refer to the properties not being executive style housing, however, this is not considered to be a requirement. Instead, what is considered to be more appropriate in this location is that properties reasonably fit with the closest existing developments and in view of the matters discussed, it is considered the proposed scheme achieves this.
31. Further objection comments refer to the dwellings as not being bungalows as they are not single storey. Again, there is no specific policy requirement for bungalows to be provided on the site and the scale of properties is considered to be suitable taking into account the surrounding developments and will be able to be achieved without dominating the site or surroundings.
32. 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 in this regard.

Character and Appearance

33. The application site is located on a corner site to the south of the Ladgate Lane and Sandy Flatts Lane Roundabout and the A174 slip road. The majority of the site is covered by semi established trees with only the northern section of the site being grass verge up to Ladgate Lane. It is a visibly open site which provides clear views of the existing tree cover.
34. The proposal will result in the loss of a significant number of semi established trees within the site which has been considered as part of the proposed site layout design. Trees will remain in part to the western boundary, southern boundary and eastern boundary and the proposed layout provides rear gardens facing Ladgate lane and a central green space which will provide for some new small scale tree planting. In addition, the dwelling type has been restricted to dormer bungalows to reduce the overall height and scale of the dwellings and limit the visual impact of the development when viewed from Ladgate Lane.
35. It is acknowledged that given the proximity to Ladgate Lane a 2.2 metre high acoustic boundary fence is required along the northern and north-eastern boundary to ensure there will be no noise impacts to future residents. The proposed northern boundary fence line will be positioned alongside the existing low side boundary fence and hedge line at Newlands on Hemlington Lane. To soften the visual appearance of the fence native hedge will be planted to the front of the fenceline.
36. There will be one vehicle entrance into the site from Hemlington Lane with the creation of a new footpath link along the eastern side of Hemlington Lane. On both sides of the vehicle entrance into the site are areas of open space which include a row of trees along the north side of the entrance/footpath. Internally within the site itself is a central area of open space that provides additional tree planting with additional trees within the front gardens of the properties.

37. The development will remain relatively open plan with only higher boundary treatments provided on corner sites. Between the front garden areas of the properties hedgerows will be planted with additional shrub planting to the sides of properties on prominent corner plots. On highly visible plots consideration has been given to the visual appearance of the boundary treatment with brick walls and timber fencing panels being provided. Plot 1 at the entrance of the site is visually prominent and the front boundary treatment will be dwarf wall with railings. Between the front garden areas of the properties hedgerows will be planted with additional shrub planting to the sides of properties on prominent corner plots and where possible driveways have been split to provide larger more open front garden areas.
38. It is acknowledged that the proposed development will remove a significant number of trees within the site, which do contribute to the character and appearance of the street scene. However, the site is located between major highway infrastructures along three boundaries with residential development sited on the remaining boundary. In terms of the visual appearance of the site, there will remain a section of established trees outside of the application site to the east of the site between the slip road and sections of the established trees will remain between the housing development to the east and the A174 to the south. The overall site layout design and the landscaping proposed will assist in ensuring the proposed development will reasonably fit within the site and will not have an unduly harsh appearance.
39. On balance, the development is considered to be in accordance with the requirements of Policies CS4 and CS5.

Amenity

40. Core Strategy Policy DC1 comments that all new development should consider the effects on the amenities of the occupiers of nearby residential properties during and after completion.
41. The application site has residential properties located along the western boundary of the site along Hemlington Lane. The existing properties along Hemlington Lane have their rear elevations and rear gardens facing towards the application site. The layout of the estate has been designed with the rear and side elevations of the properties facing towards the existing residential properties along Hemlington Lane. The separation distances that will remain between 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. Where the distances between rear and side elevations are less than 14 metres such as plots 1 and 2 the facing side elevation windows are non-habitable bathroom windows. The separation distance accords with the privacy distances set out in the Council's Urban Design Supplementary Planning Document (UDPSD).
42. Internally all the properties meet both the 21 metre and 14 metre separation distances. The internal space within each of the dwellings meets the government space standards for new dwellings, with each property providing good sized private garden spaces with additional outdoor amenity space provided with the central open space area.
43. The application site has the A174 located immediately to the south and Ladgate Lane located to the north so consideration has been given to the potential noise impacts for future residents from the traffic. A Noise Assessment has been submitted (March 2020) which assessed the impacts from these noise sources and has recommended noise mitigation measures in the form of acoustic fencing which have been incorporated within the site layout. A 2.65 metre high acoustic boundary fence to the rear of plots 1 –7 and a 2.2 metre high acoustic fence along the north and north eastern boundaries

along with appropriate noise insulating glazing for the dwellings. The Council's Environmental Protection officers have considered the noise assessment and have commented that they have no objections subject to a validation assessment being provided prior to the use commencing. A condition is recommended to address this.

44. 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 waste officer has commented that potential storage areas for the bin collection should be provided, however the majority of the driveways adjoin the main road within the proposed development which will be adopted, with only three plots with a shared driveway off the adopted highway (Plots 13,14 and 16). These three plots are only a short distance to the adopted highway and it is considered these would not require a bin collection point given the ability for these to sit within the driveway arrangements.
45. Objection comments have been received regarding the construction traffic and the associated noise and mess from the development. It is recognised that the construction traffic of nearly all developments will affect residential amenity and this site is no different, however, it is a short term impact and is not a material planning consideration. Should there be any undue noise or mess on the highway associated with the construction site then there is legislation beyond planning which would deal with such issues.
46. In view of the above, 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, being in accordance with the requirements of Policies DC1 and CS5.

Ecology/Landscaping

47. Core Strategy Policy CS4 requires development to ensure 'biodiversity assets, geodiversity, wildlife species, natural habitats, green infrastructure' are protected and enhanced'.
48. The application site is an area of undeveloped enclosed green wedge with the majority of the site being established trees and the northern section being an open grassed area.
49. Objection comments have been received that there are deer, bats and a variety of birds within the site. The application is supported by a Preliminary Ecological Assessment (June 2019). The assessment reported no evidence of greater crested newts within the site but indicated that the trees within the site provided potential but limited suitable features for roosting bats and were assessed as having a negligible to low risk of bats being present. There were several mature trees on the south-eastern boundary of the application site which may have the potential for bat roosts. The Ecological report concludes that the loss of the trees within the site will not have a significant impact on the local bat population with the higher value habitats being available in the local area along the beck corridors.
50. The ecological appraisal considered the trees within the site would provide nesting opportunities for birds. However, the ecological assessment concludes that subject to time restrictions on the clearance of the site, the loss of the trees within the site is unlikely to have a significant impact on local bird population as there are similar habitats available for bird nesting alongside the boundaries of the site and within the local area.

51. The Ecological survey recommends mitigation measures that include further survey work to ensure no Japanese Knotweed is within the site, replacement landscaping to provide more suitable wildlife habitats, potentially incorporate a wildlife meadow, the provision of native hedgerows and tree planting, minimum levels of lighting within the site to ensure no impact on bat movements and gaps between fences to ensure hedgehog movements through the site. A condition is recommended to achieve these provisions.
52. The proposed landscaping within the site provides trees within the rear and front gardens along with hedges between the front garden areas and along the northern boundary of the site and Ladgate Lane. Additional tree planting will be provided within the central open space area and additional landscape shrubs to the front and side of the properties.
53. Objection comments have been received that the Ecology report was undertaken at the incorrect time of the year and is inadequate. The Preliminary Ecological Assessment has been considered by Tees Valley Wildlife Trust who have advised that the clearance of approximately 1 hectare will result in the loss of biodiversity in Middlesbrough. To compensate for this loss of biodiversity, Tees Valley Wildlife Trust have requested replacement tree planting of 2,500 trees to be utilised as part of the Wildlife Trusts partnership work with the Council to provide a biodiversity restoration plan to plant 30,000 trees over the next 5 years. The applicant has agreed the payment of a financial contribution of £2500 for the purchase and replanting of the trees which will be secured by a section 106 agreement.
54. Comments have been received regarding live badger setts within the site. Although badgers are not a protected species, a site visit was undertaken by Tees Valley Wildlife on the 4th October 2021 and a further survey has been undertaken by the applicant's ecologist of the site. Both surveys concluded that the potential badger setts were old setts with no evidence within the surrounding area that they were currently being used.
55. An informative will be placed on the application that prior to the commencement of any works within the site there should be a further walk over survey of the site to include camera surveillance to assess any badger activity. If badgers are on the site then the applicant would be required to apply for a Natural England licence to block up the setts to enable the badgers to relocate. This Natural England licence requirement is separate to any planning requirements.
56. The proposal will see the loss of the majority of the existing trees within the site. The Ecological Assessment and subsequent badger sett survey undertaken and the inclusion of the additional tree planting and landscaping within the site alongside the financial contribution for additional tree planting within the borough, 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.

Highways

57. The proposed development will be accessed from Hemlington Lane with the internal road layout being provided to adoptable standards. Only part of the new road layout will be offered for adoption with the remainder of the site being private driveways.
58. Vehicular parking for each of the dwellings is provided in accordance with the Tees Valley Design Guide Specification with an additional 6 visitor parking bays provided centrally.

59. Objection comments raise issues over road safety/congestion and the current access from Ladgate Lane into Hemlington Lane with the crossing of a dual carriageway, particularly at school times and with cars speeding from the roundabout not expecting vehicles to turn into Hemlington Lane. Further objections have been raised regarding the increase in the volume of traffic into the development with an average of 2 cars per property in addition to the current traffic for the 6 dwellings on Hemlington Lane.
60. The existing access from Hemlington Lane onto Ladgate Lane requires a right turn that involves the crossing of a number of lanes of traffic, which at this point currently accommodates 20,000 vehicles per day. The scheme proposes highway improvement works to mitigate any potential issues for cars turning right into Hemlington lane when travelling eastbound along Ladgate Lane. The proposed works include a dedicated right hand lane for entering and exiting Hemlington Lane to achieve safe manouvering. The Highway officers consider that given the number of units proposed for the development and the current levels of traffic on the surrounding network, the anticipated traffic generation of the site will not have a material impact on the operation of the highway.
61. In relation to pedestrian access and sustainable transport access into the site, there is currently no pedestrian footway along Hemlington Lane with only a limited section of footpath leading from the junction of Hemlington Lane to the bus stop on the south side of Ladgate Lane. There is a pedestrian/cycle path on the north side of Ladgate Lane but no current safe crossing over Ladgate Lane from Hemlington Lane to access the current pedestrian/cycle path.
62. The proposed scheme would provide a new pedestrian footway along Hemlington Lane which extends to the east side of Ladgate Lane alongside the provision of a new toucan crossing point approximately 45 metres west of the Ladgate Lane / Hemlington Lane junction. This will improve the sustainable transport provision for the site.
63. The toucan crossing, installation of the new footpath along Hemlington Lane and the designated right hand turn on Ladgate Lane will be secured through legal agreements and associated contributions. An appropriate scheme for lighting will also be considered to ensure the internal layout and Hemlington Lane meets adoptable standards.
64. The Highway Agency has been consulted given the proximity of the site to the A174 and associated slip roads. The Highway Agency have no objections subject to the development being conditioned to be implemented in accordance with the Construction Transport Management Plan.
65. The Highway Agency have raised concerns on the potential noise levels from the highway to the existing and proposed houses and asked the Local Authority to ensure this is addressed in any noise assessment. The noise assessment provided for the development has been assessed by the Council's Environmental Health officers who have raised no concerns subject to a validation condition.
66. Objection comments have been received suggesting an additional spur could be created from the mini-roundabout into the site, similar to the Sandy Flatts Lane Cul-de-sac access. The Highway Engineers have commented that the introduction of an additional fifth leg to the roundabout would be impractical given the size. With the roundabout being on part of the strategic network the creation of any additional accessed or junctions is avoided to ensure there are no highway safety implications. There is an existing access onto the strategic network that already exists in the form of Hemlington Lane, which presents a low level of vehicle manoeuvring and good visibility splays.

67. Objection comments have been made that the proposed reduction to single lane traffic on this section of Ladgate Lane from the Sandy Flatts roundabout to the Blue Bell roundabout will not slow traffic flows. The Highway Engineers have commented that although there are two eastbound lanes currently between Acklam Road and Sandy Flatts Lane, both lanes are not utilised efficiently. Both north and south bound connections to the Blue Bell roundabout only allow one lane each to enter Ladgate Lane. Although Low Lane allows the flow into two lanes, it is not heavily utilised given the limited capacity of Low Lane in that it operates as a single two way flow carriageway and the level of demand at the Blue Bell roundabout does not justify the two corresponding lanes on Ladgate Lane. As a result the additional lane can be repurposed to ensure the existing accesses it serves are safer by introducing protected turning facilities.
68. Objection comments reference the new footpath being placed to the front of properties on Hemlington Lane which have block paved driveways, with the area to the front of the properties having been maintained by the home owners as their own. Suggestions have been made that the footpath be located on the west side of Hemlington Lane to link to the bus stop and the Bluebell and Acklam Road shops.
69. The section of land immediately to the side of the highway along Hemlington Lane is adopted highway and not within private ownership. The proposed footpath location is to enable the connection to the pelican crossing which provides access to the existing footpath/cycle path on the north side of Ladgate Lane which provides existing access to the Bluebell and Acklam Road shops.
70. Objection comments relate to the internal loop road within the development not providing sufficient access for emergency vehicles. The internal access road will have a minimum width of 3.5 metres with no objections have been received from the highway engineers regarding emergency vehicle access with the development.

Flood Risk

71. Core Strategy 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'.
72. A flood risk assessment has been submitted in support of the application. The site is within 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 acceptable form of development in line with the NPPF.
73. A revised drainage strategy has been submitted in April 2021 that shows the surface water will be collected and directed to an attenuation tank (below ground under the central open space area) which has been designed to take up to 100 year storm events with an additional allowance for 40% climate change. The surface water will be held within the attenuation tank and allowed to discharge into the public surface water system by a hydrobrake which will restrict the water from the site (to the agreed discharge rate) to the existing drainage system.
74. The Lead Local Flood Authority and Northumbrian Water has been consulted and have raised no objection to the principle of the development subject to conditions requiring a Surface Water Drainage Maintenance and Management Plan to be provided prior to the commencement of the development. Northumbrian Water have requested an informative requesting the developer contact themselves regarding precise locations

of their equipment as a public sewer crosses the site with no development to be undertaken above the sewer.

75. Objections comments have referred to the potential damage to the existing high pressure pipe line that lies underneath the area and the current poor supply of water to the existing houses. The site layout has taken into consideration the high pressure pipe which runs along the western boundary of the site with no development proposed within this area with an informative requiring the developer to contact Northumbrian Water for specific details of the locations of the pipes. Northumbrian Water have been consulted and raised no issues in terms of potential water supply issues to the existing or proposed dwellings.

Residual matters

76. Objection comments have been received that there is no requirement for housing on green space as there are houses available on the former Police HQ site and a smaller development site near the Golf Course on Ladgate Lane and that the 3 and 4 bedrooms is for profit. Further comments relate to the devaluation of the properties along Hemlington Lane. These points are noted but are not material planning considerations which can be considered in that the proposed development is not being considered appropriate based on a lack or excess of housing being provided elsewhere.
77. Comments have been received that the site notices were erected on lampposts where there is no footpath (Hemlington Lane side) and people walk on the opposite side. The site notice referred to was one of several placed close to the site with additional notices on the opposite side of Ladgate Lane and at the bus stop. Additional wider consultation was undertaken with a newspaper notice. Officers are satisfied adequate consultation has been undertaken.
78. Concerns have been raised that the development only affects the properties along Hemlington Lane and that due to Covid restrictions the views of residents will not be heard. Given the length of time the application has been considered wider publicity of had already taken place prior to the Covid situation with further consultation on revised plans having taken place as normal during the Covid situation. The Covid situation will not prevent members of the public wishing to speak or make representations at planning committee.

RECOMMENDATIONS AND CONDITIONS

Approve with conditions subject to a S106 agreement

- The provision of monies to provide for off-site mitigation for the loss of trees,
- The provision of an off-site highways impact mitigation, (toucan crossing, footpath along Hemlington Lane, carriageway works.
- The provision of an affordable housing contribution,
- Further investigation of species presence and a mitigation scheme to be agreed with the LPA. (ecology condition 16)

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 in accordance with the following approved plans

- a. Site location plan drawing SD-00.01 dated 13th June 2019
- b. Existing site plan drawing SD- 10.01 dated 13th June 2019
- c. Proposed site plan drawing SD-10.02 REV K dated 3rd March 2021
- d. Colour site plan drawing SD-10.03 REV A dated 3rd March 2021
- e. Landscape Plan drawing C-1823-01 Rev A dated 3rd March 2021
- f. Boundary treatment drawing SD-50.02 dated 3rd March 2021
- g. Boundary treatment drawing SD-50.01 REV A dated 3rd March 2021
- h. House type A elevation drawing SD-30.01 REV A dated 3rd March 2021
- i. House type A floor plan drawing SD-20.01 REV A dated 3rd March 2021
- j. House type B elevation drawing SD-30.02 REV A dated 3rd March 2021
- k. House type B floor plan drawing SD-20.02 REV B dated 10th September 2021
- l. House type C elevation plan drawing SD-30.03 REV A dated 3rd March 2021
- m. House type C floor plan drawing SD-20.03 REV A dated 3rd March 2021
- n. House type D elevation plan drawing SD-30.05 dated 3rd March 2021
- o. House type D floor plan drawing SD-20.05 dated 3rd March 2021
- p. Revised adoption plan drawing SD-10.06 dated 3rd March 2021
- q. Construction Traffic Management Plan dated November 2020
- p. Surface Treatment plan drawing SD-10.04 REV B dated 10th February 2021
- q. Proposed drainage strategy drawing 21021-001- REV P1 dated 7th April 2021
- r. Proposed Development Flood Flow drawing 21021-011- REV P1 dated 7th April 2021
- s. Drainage Maintenance Statement 21021 REV P1 dated 7th April 2021
- t Noise Assessment dated 3rd March 2020
- u. Proposed boundary treatment plan drawing SD-10.05 REV D dated 10th September 2021
- v. Site Section drawing SD-40.01 dated 10th September 2021

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. 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.

5. PD Rights Removed Means of Enclosure

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no fences, gates, walls or other means of enclosure (other than those expressly authorised by this permission) shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which forms the principle elevation/fronts onto a road, footpath or open space without planning permission being obtained from the Local Planning Authority.

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

6. PD Rights Removed 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.

7. 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.

8. 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.

9. 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

10. 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.

11. 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.

12. Off-Site Highway Works

The development hereby permitted shall not come into use until the highway works as detailed in such plans subsequently submitted to and approved in writing by the Local Planning Authority:

- a) Introduction of a right turning lane for entering and exiting Hemlington Lane;
- b) Creation of a footway on Hemlington Lane;
- c) Appropriate highway signage;
- d) The creation of a pelican crossing point over Ladgate Lane; and,
- e) Any road lining works required for the aforementioned facilities;

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.

13. Construction Management Transport Plan

The development shall be implemented in accordance with the Framework Construction Traffic Management Plan (Ref NO JN2102-Rep-0001.2 Dated 5

November 2020) and to the satisfaction of Middlesbrough Council Planning Authority in consultation with Highways England unless otherwise agreed in writing.

Reason: To ensure that the A174 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.

14. Surface Water Drainage Management Plan

Prior to the commencement of the development on site, details of a Surface Water Drainage Management Plan must be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include:

- (i) A build program and timetable for the provision of the critical surface water drainage infrastructure.
- (ii) Details of any control structure(s) and surface water storage structures
- (iii) Details of how surface water runoff from the site will be managed during the construction Phase
- (iv) Measures to control silt levels entering the system and out falling into any watercourse or public sewer during construction.

The development shall, in all respects, be carried out in accordance with the approved Management Plan.

Reason: To ensure the development is supported by an appropriately designed surface water disposal infrastructure scheme and to minimise the risk of increased flooding and contamination of the system during the construction process having regard for policies DC1 and CS4 of the Local Plan and section 14 of the NPPF.

15. Surface Water Drainage Management and Maintenance Plan

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

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

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

16. Ecology

Prior to the development hereby approved being commenced on site a scheme of ecological mitigation shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme of mitigation.

Reason: To adequately take account of ecological matters within the site.

17. Landscaping – Management Plan

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The Landscape Management Plan shall be carried out as approved.

Reason: In order to ensure long term presence and maintenance of landscaping.

18. Finished Levels

Prior to the preparation of levels on site the finished ground floor levels of the building(s) hereby approved in relation to existing and proposed site levels, the adjacent highway and adjacent properties, together with details of levels of all accesses, to include pathways, driveways, steps and ramps, shall be submitted to and approved in writing by the Local Planning Authority thereafter the development shall be carried out in accordance with the approved scheme.

Reason: To ensure a satisfactory form of development in the interest of amenities including 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

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. 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 allocated as green wedge within the adopted local plan. Although the dwellings conflict with Policy E2 the segregation of the site from the wider green wedge means on balance the conflict with policy E2 does not outweigh the social, economic and environmental sustainable benefits of the development.

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

INFORMATIVES

Northumbrian Water

We can inform you that a public sewer and strategic water main crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We include this informative so that awareness is given to the presence of assets on site. For further information is available at <https://www.nwl.co.uk/services/developers/>

Northern Gas Networks

The applicant should contact Northern Gas Networks directly to discuss the location of apparatus during construction works. Should diversionary works be required these will be fully chargeable.

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.

Works to Highway - S278

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

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

Dilapidation Survey

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused. Under the terms of the 1980 Highways Act Middlesbrough Council will seek to recover any expenses incurred in repairing or making good such damage. The applicants are therefore strongly advised to carry out a joint dilapidation survey with the authority prior to and upon completion of, works on site. (01642 728156)

Highways Consent/Appropriate Licences

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).

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.

Badger Setts

The applicant prior to the commencement of development of the site is advised to undertake a further survey of the site including camera surveillance of any potential badger setts and should any setts show Badger activity the applicant is required to apply for the required licences from Natural England.

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.

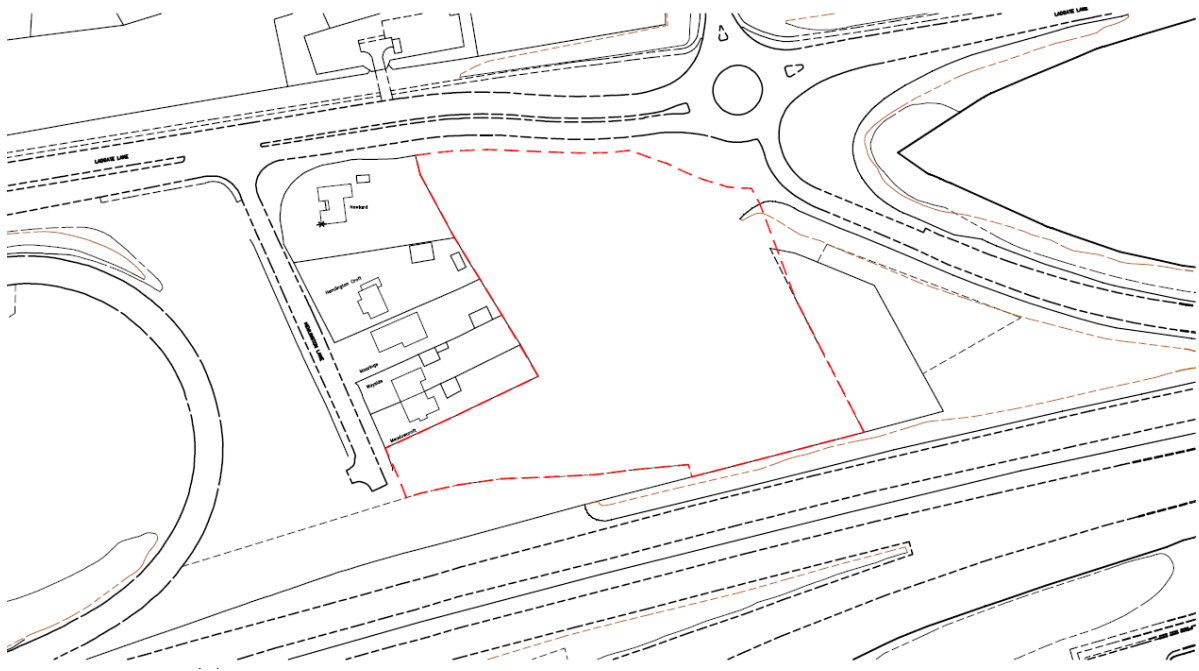
Secure By Design

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

Case Officer: Debbie Moody

Committee Date: 10th September 2021

Appendix 1: Site Location Plan



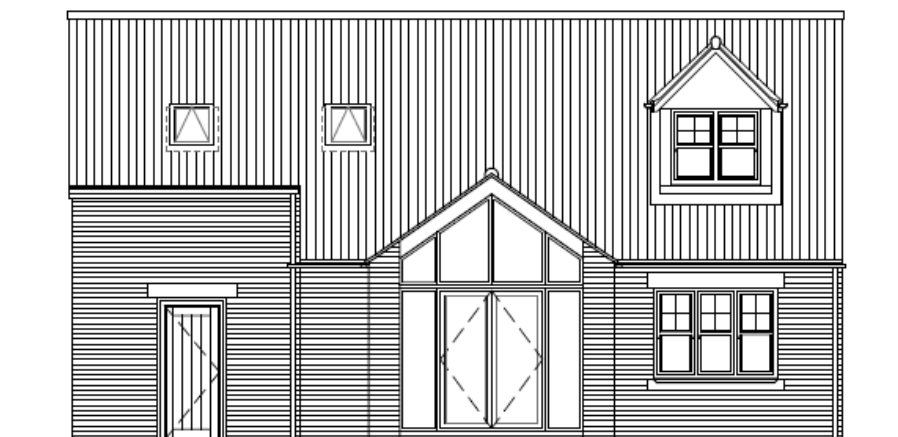
Appendix 2: Proposed Site Layout



Appendix 3: Proposed Housetypes



Type A
Front Elevation



Type A
Rear Elevation



Type D
Front Elevation



Type D
Side Elevation



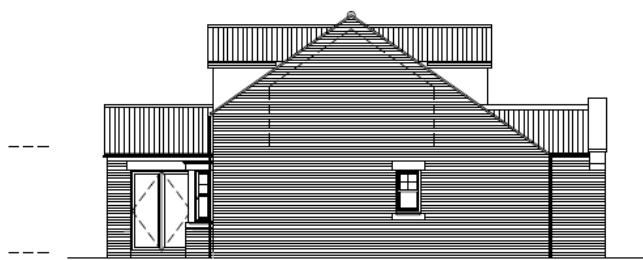
Type D
Back Elevation



Type D
Side Elevation



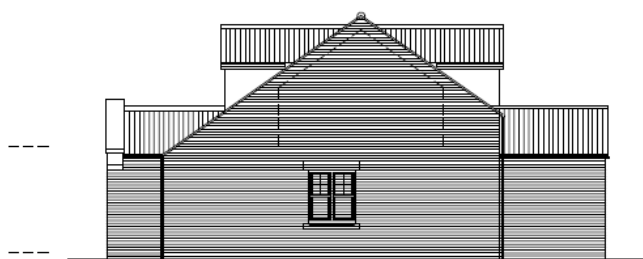
Type C
Front Elevation



Type C
Side Elevation



Type C
Rear Elevation



Type C
Side Elevation
Gable window to plots 8 & 16 only