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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>16/5411/FUL</b>
<b>Location:</b>	<b>Land East Of Trimdon Avenue Middlesbrough TS5 8SB</b>
<b>Proposal:</b>	<b>Residential development comprising 50no dwellings with associated access and landscaping</b>
<b>Applicant:</b>	<b>Mr Ben Stephenson</b>
<b>Agent:</b>	
<b>Ward:</b>	<b>Trimdon</b>
<b>Recommendation:</b>	<b>Approved with Conditions</b>

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**SUMMARY**

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The application before Members is a full planning application seeking the erection of 50 houses on land to the east of Trimdon Avenue. The application site is located in a residential area and is allocated for housing in the adopted local plan.

Officers had concerns with the initial scheme, which portrayed an unsatisfactory layout with separation distances considered to be detrimental to the future residents and parking provision likely to lead to considerable on-street parking. Revised drawings have been submitted to address these issues.

Although a range of issues were brought forward following the consultation phase, the principal issues for Members to consider are the overall design layout and the traffic implications (issues include the proposed site access, the in-curtilage parking arrangements, as well as the number of cars and volume of traffic expected with the development of this size).

This report analyses all the issues raised and assesses the traffic implications. Ultimately, however, the report concludes that the proposed housing scheme is acceptable development and it is the officer's recommendation to approve subject to conditions.

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**SITE AND SURROUNDINGS AND PROPOSED WORKS**

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The application site is an irregular parcel of vacant land measuring approximately 1.35 hectares to the east of Trimdon Avenue. The site is part brownfield (the sites of the former nursing home, community centre and play area) and part greenfield.

The site is bordered by Swainston Close to the east, Earlsdon Avenue to the south, the Trimdon Avenue Local Centre to the west and by the open space of the Bluebell Beck to the north.

The application seeks full planning permission for the erection of 50 dwellinghouses and associated works, including fencing, access and landscaping. The proposals include seven different house types, including 26 detached dwellinghouses and 12 pairs of semi-detached dwellinghouses, all being constructed in a traditional design incorporating brickwork detail and pitched roofs.

The development would be accessed off Swainston Close, using the vehicular access to the site of the former Robert Huggins care home. All properties will front onto main access roads or the shared surface areas. A minimum allocation of two in-curtilage parking spaces is provided for each property (the larger, four-bed properties have three in-curtilage spaces). Eleven of the proposed dwellinghouses would have detached garages, some of which are laid out as single and some as double garages.

A range of boundary treatments has been proposed in the demarcation of individual units. All rear boundaries employ 1.8-metre high timber fencing; the side boundaries of properties will employ 0.9-metre high 'post and rail' fencing. The front of the properties would be open, having no proposed boundary treatments, as the developer intends for the estate to be open plan in appearance.

Although the developer endeavours to retain as many trees on site as possible, the submitted information states that all trees within the boundaries of the application site would be removed. To compensate for the loss of these trees and to complement the buildings, a full landscaping scheme has been submitted which details specifications for 22 replacement trees. These would be 'Selected Standard' size (10-12cm girth) with species to include Himalayan Birch, Silver Birch, Flowering Cherry, Whitebeam, Rowan (Mountain Ash), Japanese Cherry and Crab apple.

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## **PLANNING HISTORY**

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The relevant site history is detailed in the 'Site History' element of the Planning Consideration and Assessment section of this report.

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## **PLANNING POLICY**

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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(s) 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:

- a) The provisions of the development plan, so far as material to the application;*
- b) Any local finance considerations, so far as material to the application; and*
- c) Any other material considerations.*

The following documents together comprise the Development Plan for Middlesbrough;

Middlesbrough Local Plan;

- *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).*

The overarching principle of the National Planning Policy Framework (NPPF) is to support sustainable development, and that it should go ahead without delay. It defines the role of planning in achieving economically, socially and environmentally sustainable development and recognises that each are mutually dependent. The NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles', which can be summarised as follows:

- *Being plan led;*
- *Enhancing and improving areas;*
- *Proactively drive and support sustainable economic development to deliver homes, business, industry and infrastructure and a thriving local economy;*
- *Always seek a high quality of design and good standard of amenity for existing and future occupants;*
- *Take account the different roles of areas, promoting the vitality of the main urban areas whilst recognising the intrinsic character of the countryside;*
- *Support the transition to a low carbon future, taking full account of flood risk, resources and renewables;*
- *Contribute to conserving and enhancing the natural environment;*
- *Encourage the effective use of land;*
- *Promote mixed use developments;*
- *Conserve heritage assets in a manner appropriate to their significance;*
- *Actively manage patterns of growth making fullest use public transport, walking and cycling and focus significant development in sustainable locations; and*
- *Take account of local strategies to support health, social and cultural well-being and deliver community and cultural facilities to meet local needs.*

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

CS4 - Sustainable Development  
DC1 - General Development  
CS5 - Design  
H1 - Spatial Strategy  
H11 - Housing Strategy  
H31 - Housing Allocations  
UDSPD - Urban Design SPD

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.

<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

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## CONSULTATION AND PUBLICITY RESPONSES

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The application has been advertised in the local press, site notices have been posted and consultations have been sent to statutory consultees, local residents, ward councillors and the Community Council. A summary of all the comments received is listed below.

### Statutory Consultees

MBC Planning Policy - no objections. Site is allocated for residential development.

MBC Waste Policy - no objections. Properties accessed by shared drives; refuse and recycling receptacles will only be collected from the nearest point of highway.

Lead Local Flood Authority - no objections subject to conditions

Northumbrian Water - no objections subject to one condition.

MBC Highway Engineers - no objections subject to conditions.

MBC Environmental Protection - no objections subject to one condition regarding contamination.

MBC Valuation and Estates services has no objections.

The Crime Prevention and Architectural Liaison Officer has commented that the scheme should be developed to Accredited Secured By Design standards.

Northern Gas Networks has no objections to the proposed development.

### Consultation responses

Councillor Jean Sharrocks

- The proposed access road is Swainston Close which is a small road and will have a big impact on existing residents. Another access road at the far end should be built linking in with the new surgery making it easier on traffic flow.

The Trimdon Ward Community Council

- There is considerable concern that the sole vehicular access to the development is by way of Swainston Close.
- The additional traffic generated by the proposed housing will be detrimental to the amenities of adjoining residents.
- Swainston Close is a narrow estate road which was not intended to serve an additional development of the scale proposed.
- The proposed access uses that of the now-demolished Robert Huggins Home. The extent of vehicular movement to and from the care home was of an entirely different scale to that which would be generated by 50 houses.
- The Community Council would suggest that consideration be given to creating an additional access to the development using the access road situated between the Salvation Army Hall and The Grenadier.
- Seven of the proposed homes will have direct vehicular access to and from Earlsdon Avenue. Given that this is on a bend on a busy estate road it is felt that this is an unsafe proposal and that vehicular access should be from the rear of the properties.
- It is understood that the highway safety aspect of the proposal has also been measured against the fact that Earlsdon venue has a 20 mph speed limit. Residents know from

experience that in reality the 20mph limit is largely ignored and, moreover, is not enforced.

#### No. 17 Kader Avenue

- Only one in and out of the estate.
- More cars, more traffic and pollution.
- Could the Council ask the developer to make a contribution towards improving the shops at Trimdon Avenue, especially at the rear?

#### No. 8 Carlbury Avenue

- The development has a row of houses opposite the junction with Carlbury Avenue. The increase in the number of cars that will be parked outside the new properties will make it difficult to join an already busy road. What is the Council's plans to address this?
- There will be an increase of cars parking in Carlbury Avenue by non-residents.
- Will the footpaths and drive access on Carlbury Avenue be upgraded in line with the new development?

#### 11 Swainston Close

- The proposed access point is not the most logical point of access to the site. Directing a new flow of traffic onto a local road, distributor road then an arterial road cannot be described as logical for a new build site with the potential to connect directly to the arterial road through the existing access road situated to the North West of the development between the current Salvation Army building and the Grenadier public house.
- The only reason I can see for the access point being located on Swainston Close is to maximise the number of dwellings on the site and not utilising the most logical location for access.
- Adding 75 vehicles [based on Census figures] is an increase of 77% [using the access onto Earlsdon Avenue] and must surely be a risk to road safety.

#### 3 Swainston Close

- The main problem is the access to the site.
- The 'predicted trips' is not fact. The suggestion of 30 vehicles per hour AM and 32 PM peak period is just a prediction.
- Can you inform us of the access to the development site during building work.

#### 64 Trimdon Avenue

- A further 50 homes with the associated family cars will increase the congestion. Traffic congestion is a big problem on this road.
- The only access road to the proposed site is on Swainston Close and the extra traffic coming out onto Earlsdon Avenue is bound to cause Swainston Close, Earlsdon Avenue and Trimdon Avenue to become gridlocked which in turn will affect the wider area of Acklam.

#### 20 Swainston Close

- We have been informed that the land at the top of Swainston Close, (the old Robert Huggins site) was actually donated to the people/public of Middlesbrough..... therefore should not have been sold.
- The planned entrance to the new builds at the top of Swainston Cl, would cause major traffic problems for Swainston close and have a knock on effect to other local roads.
- Our schools are already extremely busy, especially St. Claires and Acklam Whin, and not all applicants can be accommodated as it is. Therefore how do you expect the said schools to accommodate the children from these new family homes.
- The proposed garage with a pitched roof that is planned to be built to the rear of our property would overcast our patio area.
- These new builds will cause a reduction in the value of our properties. We did seek expert advice on this matter. Therefore we would like to know how the property owners

would be compensated. The new builds not only will reduce the value of our properties, but will also make our properties more difficult to sell. Again, how will this issue be compensated?

#### 7 Swainston Close

- I wish to submit my opposition of the proposed entrance/exit for the planned building of homes.
- It will be impossible for the amount of cars to leave/enter the housing section proposed using the road to the front of my property.
- We would encounter severe problems ourselves parking, leaving and entering our property let alone the noise pollution and light pollution we will encounter on a daily basis.

#### 9 Swainston Close

- I have no issues with the build but oppose the site exit/entry point as Swainston Close is already the feeder Road for 3 roads running from it.
- I live opposite the proposed exit/entrance and struggle to get off my drive now most days.

#### 2 Carlbury Avenue

- Close to adjoining properties
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Traffic and highways impacts.

#### 4 Swainston Close

- I have no issues with the proposals but concerned as to the location of houses next to my home. Plot 49 will block light from my kitchen and garden.
- We purchased our home in 1970 with an open aspect over the grounds of Robert Huggins House.

### Public Responses

Number of original neighbour consultations	145
Total numbers of comments received	13
Total number of objections	10
Total number of support	0
Total number of representations	3

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## PLANNING CONSIDERATION AND ASSESSMENT

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1. The application before Members is a full planning application for the erection of 50 dwellinghouses and associated infrastructure and works. The matters of detail such as design, scale, layout and access must be considered as well as the principle of residential development.

2. The main issues to be considered in respect of this application include whether the location of the site is acceptable, the proposed access arrangements, the impacts of the development on the local transport infrastructure, and whether the design and scale of the development in terms of landscaping and buildings are acceptable.

3. The planning application was the subject of a site visit by Members of the Planning Committee, which was authorised by the Chair.

#### National Policy Context

4. The Government's guidance is set out in the National Planning Policy Framework (NPPF), which states that the general principle underlying the town planning system is that it is 'plan led'. Put simply, this means all proposed development that is in accordance with an up-to-date Local Plan should be approved. Proposed development that conflicts should be refused unless other material considerations indicate otherwise.

5. Paragraphs 6-14 of the NPPF give a broad outline on achieving sustainable development. Paragraph 9 states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including improving the conditions in which people live, work, travel and take leisure.

6. Paragraph 14 of the NPPF states that a presumption in favour of sustainable development is at the heart of the Framework and should be seen as a golden thread running through plan-making and decision-taking. The NPPF requires development proposals that are in accordance with the development plan to be approved without delay.

7. Paragraph 17 of the NPPF lists 12 core planning principles, which includes (where relevant to residential development) proactively driving and supporting sustainable development to deliver homes, securing high quality design and a good standard of amenity for future occupants, enhancing the natural environment, reusing previously developed land, promoting public and sustainable transport.

8. Specific Government guidance for sustainable economic development is held within chapter 1 of the NPPF. The chapter outlines the Government's commitment to ensuring that sustainable economic growth is supported by the planning system. The importance of sustainability in new development is further emphasised in chapter 4 of the NPPF. This seeks to reduce the need to travel and reduce environmental impacts of transport.

9. The Government's agenda on house building and delivering high quality homes is set out within Section 6 of the NPPF. Moreover, the requirement for good design is outlined in Section 7.

10. It is clear that the Government intends that decisions on planning applications should be in accordance with the relevant Development Plan and that new development should be in accordance with the relevant Development Plan for the area. However, other material considerations can be taken into account by the Local Planning Authority providing they are relevant to the development being proposed. The weight of these other material considerations and how they balance against the policies in the Development Plan is fundamental to the consideration of this application by Members.

#### Local Policy Context

11. The relevant local policies in the Development Plan regarding this application are CS4 (Sustainable Development), CS5 (Design), H1 (Spatial Strategy), H11 (Housing Strategy), H31 (Housing Allocations) and DC1 (General Development). In general terms, the aforementioned policies seek to achieve high quality development, which minimise the impact on the local area and neighbouring occupiers.

12. Policy CS4 requires all development to contribute to achieving sustainable development by creating inclusive communities, ensuring everyone has access to facilities that they need in their daily lives, promotion of a healthier and safer community, being located so that services and facilities are accessible on foot or by sustainable transport, making the most efficient use of land with priority given to development on previously

developed land, protecting biodiversity assets, and by delivering development of a high quality design that improves the townscape.

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

14. Through the Spatial Vision of the Core Strategy (2008), the Housing Local Plan (2014) and its policy H1, there is a need to increase the supply of housing to meet the aspirations of the economically active population, which consolidates and builds upon the success of popular neighbourhoods within the town.

15. Policy H11 emphasises the need to ensure that the quality of life is maintained through protecting the existing high environmental quality of the area, ensure that new housing is a sustainable and balanced mix of house types, and that any new development will be of a high quality and of a density appropriate for the location. Policy H31 allocates the site for housing with a guideline figure of 50 houses.

16. Core Strategy policy DC1 attaches great importance to the visual appearance and layout of development and its relationship with the surrounding area in terms of scale, design, amenities of occupiers of nearby properties and the use of materials.

17. As well as the above referenced local policies, the Council's adopted Urban Design SPD outlines guidance in respect of residential development, including appropriate separation distances and design standards.

#### Site History

18. The overall application site has changed considerably over the last 15 years. In this time, the Robert Huggins care home and the Kader Community Centre have been demolished and vacated and the sites subsequently combined to create an overall development site, which has been allocated for housing for many years.

19. The most recent development on this site has been a planning application for a new play area in the green wedge beside the Blue Bell Beck, which would replace the play area on the application site. With the approval of the new play area in August 2016, this has opened up the application site for development.

#### Representations

20. The application has attracted much interest from local residents and a summary of the comments received as part of the consultation process has been provided earlier in the report. All representations that have been received will be discussed throughout this section of the report. Members will be aware, of course, that consideration can only be given to concerns that are material to this application.

21. First of all, Members will be aware that the potential impact of a development on the market values of surrounding properties does not constitute a material planning consideration. It has also been raised by one resident that the land was donated to the Council and should not be sold by the Council. However, this is not a material consideration for the Planning service.

22. Concerns and objections have also been received centring on the potential noise, site traffic and dirt resulting from the construction works. Any development could potentially result in disturbance to nearby residents during the construction phase and it is simply not possible to refuse an application for this reason. Again, Members will be aware that these matters are not material planning considerations and issues that planning legislation is unable to control. They are matters more appropriately addressed by other legislation.

23. It is evident that the main objections raised concern the traffic implications, including the access/egress point, numbers of vehicles expected as part of the development and the likely parking problems. The highways comments will be detailed later in this report.

24. The potential impacts on the local school places has also been raised. However, no concerns were raised at the pre-application stage and no objections were received during the consultation phase of the application by the Education service.

25. It has been asked whether the developer could make a contribution to improve the local shopping group (especially the rear of the shops) along Trimdon Avenue. As this application is not subject to a Section 106 agreement, however, it is not possible to request a financial contribution by the developer to the local area.

26. The residents of the immediate neighbouring property of No. 4 Swainston Close have raised an objection of the impact of Plot 49 on their garden and the ground floor kitchen window on the side elevation. This impact will be considered later in the report.

#### Appraisal of Proposed Development

27. With regard to the adopted Proposals Map, the application site is designated for residential development, with an allocation in policy H31 of 50 units. It is the planning view, therefore, that the proposed housing development is the right use for the site. As well as being in line with policy H31 and the Proposals Map, the surrounding area is predominantly residential in character. The residential use of the site would complement the local area.

28. The overall site is part brownfield and part greenfield. The use of the sites formerly used by the Robert Huggins care home, the Kader Community Centre and the play area is clearly a beneficial use of previously developed land. The nearby Trimdon Avenue shopping group provides the surrounding area with essential facilities that meet the daily needs of local residents. Local bus services can be accessed from Trimdon Avenue with regular journeys to the town centre. Overall, the development is considered to be in accordance with the sustainable development criteria of CS4.

29. When considering a proposed development of this size and scale, it is important to take account of the potential impact of the development on the character and appearance of the area, which should be maintained or enhanced. The local character would, of course, significantly change with the erection of 50 houses on this site, which involves the loss of natural landscape features, some open space, hedging and trees.

30. The key aspects of the site are from Earlsdon Avenue and from the open space of Blue Bell Beck. Any new development on this site would be plainly visible from these two vantage points and it is important that the visual impact of the development is positive and of a high quality and not detrimental to the surroundings. Currently, the site's impact on the street is that of a small beech hedge and the mature trees. In contrast, the impact on the street would be the proposed eight houses and associated landscaping (including three trees) that would front Earlsdon Avenue. However, it is the planning view that the design and mix of houses fronting Earlsdon Avenue is very pleasing and has a positive impact on the street view. The proposed landscaping and tree planting would have a beneficial impact by softening the appearance of the built development. When viewed from Blue Bell Beck, the aspect would be of twelve houses looking towards the open space. This would be considered a positive and high quality arrangement and would provide natural surveillance for the proposed play area (approval for which was granted last year by Members). The eastern and western boundaries are largely unseen from the main streetscape, but their layout and arrangement is typical of a residential development and is considered acceptable.

31. The scale and mass of the dwellinghouses and their plot sizes are considered appropriate for this location. The proposed development is at a medium-high density and

reflects similar densities of housing estates in the area. Although there are separation distances within the development site that are less than the requirements set out in the Council's adopted Design Guide, it is the planning view that these are acceptable in this instance. Concerns were raised by officers that the separation distances between certain plots on the initial submitted plans were unsatisfactory and the developer has resolved these concerns. It is also noted that all separation distances between the dwellinghouses of the proposed development and the existing houses on Swainston Close are acceptable and meet the standards within the Design Guide. In light of which, it is considered that the proposed development would not jeopardise the living conditions of existing or future residents.

32. As noted earlier in the report, the boundary materials vary from timber fencing, dwarf wall with fence above, and post and rail. Only the first two types would be perceptible from any public place and these are considered to be in keeping with the surrounds. Officers expressed concerns to the developer that the proposed post and rail fence treatment proposed within rear gardens was not considered to provide the future residents with adequate security and privacy. However, it is noted that Persimmon offer future residents the chance to upgrade to a 1.8-metre high fence.

33. It is the planning view that the proposed dwellinghouses have a high quality design and will be built using high quality materials suitable for a site in this location. The dwellings have been designed taking the range of materials and styles of existing buildings in the locality into consideration and aim to reflect the character and tone of the area. The list of materials detailed earlier in this report is judged to be acceptable for the finishing materials, as they would complement the existing housing stock.

34. Taking the above into account, it is the planning view that the proposed residential development would complement the existing character of the area around Trimdon Avenue and would not be visually obtrusive when seen from Earlsdon Avenue or Blue Bell Beck. The proposed development is therefore considered to be in complete accordance with DC1 and CS5.

35. National and local planning guidance requires new housing developments to make a contribution towards the provision of affordable units. Policy H12 identifies sites within various wards of Middlesbrough where a 15% affordable housing contribution will be required on residential development. As the Council own the land, it is the Council's preferred option to allocate a proportion of the capital receipt for a contribution to affordable housing provision elsewhere in the town. As a result, there is no planning requirement for affordable housing provision on this site.

36. With regard to the comments raised by the residents of No. 4 Swainston Close (that is, the impact of Plot 49 on their ground floor kitchen window on the side elevation), it is noted that the kitchen window is an original feature and designed on the side elevation to take advantage of the open aspect offered by the car park and garden area of the Robert Huggins care home site. Although it has enjoyed an open aspect over the years, the location of the kitchen window on the side elevation has made it vulnerable to any potential development on this site. The developer was contacted and asked to consider the impacts on this window. The proposed Hanbury house types positioned at Plots 49 and 50 have been purposely selected to reflect the existing residential form of the street, that is, semi-detached properties with a side-to-side separation distance of 5.0 metres. Although a single detached unit has been considered for this part of the site, its appearance would look at odds with the Swainston Close street scene. It is the planning view, therefore, that this arrangement is acceptable.

#### Impact on traffic and travel patterns

37. Given the number of dwellinghouses proposed, the potential impact on the local highways network must be considered. The Council's Highways service has assessed the

application and the supporting documents, including the Transport Statement, which was prepared to accompany the application. The Transport Statement examines both the sustainability of the site as well as the effect on the surrounding highway from the traffic generated by this development.

38. As it is situated within a well-established residential area, footpath links are good and the surrounding streets are generally 'cycle friendly'. It is also relatively well served by public transport, with the Stagecoach 14 Service - which runs every 20 minutes between 8am and 6pm from Monday to Saturday and every hour during the evening and on Sundays - within easy walking distance.

39. The highway layout within the site has been designed in accordance with the Tees Valley Design Guide and Specification. This will ensure that vehicle speeds are low, thereby reducing the potential for collisions - and, therefore, casualties - to a minimum. As set out in the Transport Statement, the predicted increase in vehicular movements associated with the development is unlikely to have a detrimental impact on the operation of the surrounding highway network from either a capacity or a road safety perspective.

40. Although the majority of the dwellings on the site will be served by the new internal road layout, two dwellings will face onto Swainston Close and eight will face onto Earlsdon Avenue. Whilst the latter is not ideal given its role as a local distributor road, the principle of direct frontage access onto Earlsdon Avenue is already well established, therefore such an arrangement is unlikely to have a detrimental impact in terms of road safety. In addition, the proposed dwellings are located on the outside of a bend, which means that visibility in both directions is good, and traffic speeds on Earlsdon Avenue - which is subject to a 20mph speed restriction - are generally low, as is the potential for collisions.

41. One area of concern is the proposed number of off-street parking spaces within the development. Although the Transport Statement states that 'the proposed parking provision for the development is in accordance with the parking standards set out in Middlesbrough Council's Design Guide and Specification', and the Design and Access Statement states that 'adequate car parking provision will be provided on site in broad accordance with the Tees Valley Highways Design Guide & Specification document', this is not strictly true. The Tees Valley Design Guide and Specification sets a figure of two in-curtilage parking spaces for dwellings with three bedrooms or less, and three in-curtilage parking spaces for dwellings with four or more bedrooms. Although some of the dwellings within the proposed development comply with this standard, a significant number - including some of the properties facing onto Earlsdon Avenue - do not.

42. Whilst it is accepted that the parking standards set out in the Tees Valley Design Guide and Specification represent the maximum level of provision, and that the location of the site means that it is generally well served by more sustainable forms of transport, experience elsewhere within the Borough would suggest that there is a risk that parking associated with the development could be displaced onto adjacent streets if they are not met, with potentially detrimental road safety implications. The Highways service does not, however, feel that this issue in itself is sufficient to recommend refusal of the application.

#### Trees

43. A comprehensive tree survey and report has been undertaken as part of the planning application and this appraises the health and condition of the existing trees on the site. The survey appraises 12 individual trees on the site as well as a group of trees on the northern boundary and the hedge running across the centre of the site. Of the 12 individual trees appraised, there are none that are considered to be category A trees (high quality - category A trees should always be retained within a proposed development). The survey appraised three trees as category B trees (moderate quality - trees within this category should be considered for retention), eight are deemed category C trees (low quality or value) and one is deemed category U trees (poor quality and low life expectancy).

44. During the application, it was put forward to the developer to consider retention of the Silver Birch fronting Earlsdon Avenue and the Lime tree on the western boundary. Unfortunately, however, it has not been possible to retain the Silver Birch, as this is situated within the footprint of Plot 3. To retain this tree would require the repositioning of the houses fronting Earlsdon Avenue, which would adversely affect their layout on this bend in the road and disturb a logical sweep of properties on the southern boundary. Although it would be beneficial to retain the Lime tree, a generous and specified tree planting scheme has been proposed and this can be secured through a suitably-worded condition. It is also worth noting that none of the trees on the site are protected by tree preservation order or conservation area status.

#### Ecology

45. An Extended Phase 1 Habitat Survey has been undertaken to analyse whether protected flora and fauna would be adversely affected by the proposed development. The survey detailed no notable flora within the site, which predominantly comprises amenity grassland, as well as an overgrown hedge (running across the centre of the site), individual trees and hardstanding. However, the survey suggests that the site does support a limited range of habitat types with a low potential for protected species to be present.

46. Although there is a very low potential, due to the lack of additional site features and connectivity with the wider site boundary, the survey notes that bats may forage along the scrub corridor through the middle of the site. The survey puts forward various suggestions for low level lighting that would prevent harm to bats. As well as lighting recommendations, the survey also suggests that bat bricks should be considered as part of the development. On the submitted drawing 'Bat Mitigation', five properties are shown to include bat bricks within their construction.

47. As well as bats, the survey notes that the site offers suitable habitats for arboreal nesting birds, both within the scrub corridor and within the individual trees on the site. At the time of the site survey (October 2016), no bird nests were recorded and no ground nesting birds were observed. Notwithstanding, it is always discouraged to clear vegetation or fell trees within bird breeding season (March-September inclusive). If this cannot be achieved, all areas must be subjected to a nest check survey or a thorough walkover by a suitably qualified ecologist prior to any clearance works being undertaken.

#### Overall Conclusions

48. On the whole, it is considered that the proposals are for a high quality sustainable development, which will assist economic growth in the town and provide a broad mix of housing in this part of Middlesbrough.

49. The report has assessed that the principle of housing development is acceptable, as this is a site allocated for residential development in the Local Development Plan. It has also been appraised that the design of the proposed houses and the site layout is of a high quality and fully in accordance with relevant local policies, namely CS5 and DC1. The proposed development would have no adverse impacts on local protected wildlife and the proposed mitigation schemes are satisfactory. The proposed landscaping scheme is considered to be suitable for a residential development of this scale and provides appropriate compensation for the loss of the existing trees on site.

50. Most critically, however, the report has discussed the transportation and traffic impacts of the development. Although the parking requirements are not strictly in accordance with the relevant local highways design guidance, the proposals are considered acceptable and there would not be any unduly harmful impacts on the local surroundings.

51. Overall, it is the planning view that the proposals will neither have an adverse impact on the character of the area nor any nearby residents. The above analysis has addressed

the objections raised during the consultation period and none of the comments are considered to warrant refusal of the application. Moreover, the proposals do not conflict with any local or national planning policies and they support the delivery of the spatial vision set out in the Local Plan, particularly the provision of required housing types and economic benefits. The analysis has shown that there are no technical reasons why the proposed development should be refused and it is the recommendation to approve conditionally.

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## RECOMMENDATIONS AND CONDITIONS

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### Approved with Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.

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. The development hereby approved shall be carried out in complete accordance with the following plans and specifications (with received date).

- Proposed Site Layout - M(TA)-001 Rev H (15th February 2017)
- Materials Layout - M(TA)-002 Rev F (15th February 2017)
- Landscape Layout - M(TA)-003 Rev B (15th February 2017)
- Tree Protection - M(TA)-005 Rev B (15th February 2017)
- Bat Mitigation - M(TA)-007 Rev B (15th February 2017)
  
- Chedworth Plans and Elevations (Hipped) - CD-WD01 Rev S (15th February 2017)
- Chedworth Plans and Elevations - CD-WD01 Rev S (20th December 2016)
- Hanbury Plans and Elevations - HB-WD01 Rev T (20th December 2016)
- Hatfield Plans and Elevations - HT-WD01 Rev T (20th December 2016)
- Roseberry Plans and Elevations - RS-WD01 Rev T (20th December 2016)
- Rufford Plans and Elevations - RF-WD01 Rev U (20th December 2016)
- Souter Plans and Elevations - SU-WD01 Rev V (20th December 2016)
- Winster Plans and Elevations - WS-WD01 Rev V (20th December 2016)
  
- 6m x 3m Single/Double Garage Plans and Elevations (side to side) - SGD-05 Rev C (20th December 2016)
- Standard Single/Double Garage Plans and Elevations (side to side) - SGD-05 Rev C (20th December 2016)

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

3. Before the construction of the dwellinghouses hereby approved commences, samples of the materials to be used in the construction of the external surfaces of the development 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 details.

Reason: To ensure the use of satisfactory materials in the interests of the visual amenities of the area.

4. A plan showing the location of temporary car parking to accommodate operatives and construction vehicles during the development of the site and measures to protect any existing footpaths and verges shall be submitted to and approved in writing by the Local

Planning Authority and implemented upon commencement of construction and thereafter such parking is to be removed on completion of the works.

Reason: In the interests of amenity and highway safety.

5. Before any construction of the proposed adopted highway commences, full details of the construction and materials to be used on the proposed adoptable highway including finished levels, gully positions, layout and material build ups should be submitted to and approved in writing by the Local Planning Authority and thereafter the work to be carried out to their satisfaction.

Reason: In the interest of highway safety.

6. Before the completion of the development the footway to the frontage of the development on Swainston Close and Earlsdon Avenue shall be resurfaced to adoptable standards.

Reason: In the interests of highway safety.

7. A plan showing the surface water drainage that has been designed to prevent surface water from flowing onto the highway to the detriment of all highway users must be submitted to and approved in writing by the Local Planning Authority. Any approved scheme shall be implemented as part of the development hereby approved and prior to the occupation of any dwellinghouse.

Reason: In the interests of amenity and highway safety and to reduce risk of flooding.

8. A detailed surface water design and strategy must be submitted to and approved in writing by the Local Planning Authority. This design and strategy will follow the principles outlined in the submitted Flood Risk Assessment and shall be implemented as part of the development hereby approved and prior to the occupation of any dwellinghouse.

Reason: To ensure that the development has an appropriate scheme of drainage.

9. The development hereby approved shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment" dated "June 2014". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 8203 or 9102.

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

10. A full and competent site investigation, including risk assessment must be undertaken and submitted to the Local Planning Authority, for written approval. This must identify any contamination present and specify adequate remediation necessary. The risk assessment and remediation scheme must be approved in writing by the Local Planning Authority and thereafter implemented, prior to the development within that phase taking place. Validation of the remediated site shall be provided in the form of a detailed completion statement confirming that works set out and agreed were completed and that the site is suitable for its intended use.

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

11. The tree planting and associated landscaping works, as detailed on the approved Landscape Layout drawing, shall take place during the first available planting season

(October-March) following the completion of building works on the site. The Local Planning Authority shall be notified within two weeks of the landscape planting works.

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

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

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

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

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

## **REASON FOR APPROVAL**

The proposed development of 50 dwellinghouses on land to the east of Trimdon Avenue is considered to be appropriate as it is in full accordance with national and local planning policies, statements and guidance.

In particular, the proposal meets the National Planning Policy Framework, and the policies regarding housing, sustainable development, the efficient use of land, appropriate scales of development, the protection of open spaces of different characters and uses, good quality design, and transport and accessibility, whilst proposing a housing development that would not be out of scale and character within the surrounding area, and would not be detrimental to the local and residential amenities of the area.

Issues of principle regarding the layout and design of the housing scheme and the generation of traffic have been considered fully and are not considered, on balance, to give rise to any inappropriate or undue affects. Accordingly, the Local Planning Authority considers that there are no material planning considerations that would override the general assumption that development be approved unless other material factors determine otherwise.

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## **INFORMATIVES**

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Should the development require Street Names, Numbers and/or Post Codes the developer must contact the Councils Naming and Numbering representative on (01642) 728155.

Any street furniture that necessitates relocation requires early discussion to take place with the Highway Authority (tel: 01642 728156) and this work will be carried out at the cost of the applicant.

The development will be designed and constructed in accordance with the current edition of the Councils Design Guide and Specification.

The highways which are to be constructed as part of this development will be offered for adoption under Section 38 of the HA 1980. To protect this position, notice will be served under Section 220 of the same Act once Building Regulation approval (or initial notice acceptance) has been given. The applicant is therefore urged to consult with the local highways authority. This agreement should be completed before work commences.

The applicant is advised that any discharge of surface water into a watercourse or culverted watercourse requires consent from the Lead Local Flood Authority.

The applicant is reminded that building materials shall not be deposited on the highway without the specific consent of the Highway Authority.

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.

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.

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 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 Environmental Protection service on 01642 728240 if they require more details regarding the prior consent process.

Case Officer: Peter Wilson

Committee Date: 3rd March 2017

Site Plan

