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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>18/0558/FUL</b>
<b>Location:</b>	<b>Land at Cleveland Police Headquarters Ladgate Lane, Middlesbrough</b>
<b>Proposal:</b>	<b>Detailed application for the remix of approved housing scheme and erection of additional 104no residential dwellings (309 total dwellings).</b>
<b>Applicant:</b>	<b>Mr Ben Stephenson</b>
<b>Company Name:</b>	<b>Persimmon Homes Teesside</b>
<b>Agent:</b>	
<b>Company Name:</b>	
<b>Ward:</b>	<b>Ladgate</b>
<b>Recommendation:</b>	<b>Approve subject to 106 Agreement</b>

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**SUMMARY**

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Permission is sought for the erection of 309 dwellings on the eastern part of the housing development site at the former police headquarters on Ladgate Lane. The site currently has full permission for 375 dwellings of which 89 have been built, a further 81 are to be constructed on the western part of the site.

This application for 309 dwellings increases the number of dwellings on the wider site by 104 to 479. The remaining 205 dwellings proposed in the current application are a redesign of those already approved.

Following a consultation exercise objections were received from one resident and Marton East Community Council.

It is considered that the proposed development would provide a good mix of high quality dwellings in an attractive landscaped setting with an appropriate layout. The development will not result in a significant detrimental impact on the amenities of existing local residents. Strategic works to the highway network will mitigate against the impact of the development on the local highway network.

The development is considered to be in accordance with the relevant national planning policies detailed within the NPPF and Local Plan policies, specifically H1, H11, H12, H22, H31, CS4, CS5 and DC1. The recommendation is for approval of the application subject to conditions and a s106 agreement.

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## **SITE AND SURROUNDINGS AND PROPOSED WORKS**

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1. The site is located to the south of Ladgate Lane, it comprises 9.35ha of brownfield land with the former Police Headquarters complex located on site. The application site is the eastern part of the wider development site known as Ladgate Woods which is currently under construction.
2. To the west are dwellings completed or currently under construction at the site, to the south is an area of woodland which separates the proposed dwellings from the parkway A174. To the east and northeast the woodland separates the proposed dwellings from existing dwellings. To the northwest are existing dwellings and to the north is a golf club.
3. Permission is sought for the erection of 309 dwellings on the site. The wider site currently has full permission for 375 dwellings of which 89 have been built and a further 81 are to be constructed on the western part of the site. These fall outside the boundaries of this application.
4. This application for 309 dwellings increases the number of dwellings on the wider site by 104 to 479. The remaining 205 dwellings proposed in the current application are a redesign of those already approved.
5. The 309 dwellings proposed consist of:
  - a. 48 two bed dwellings;
  - b. 177 three bed dwellings; and,
  - c. 84 four bed dwellings.Of which 58 are three-storey dwellings (two-storey with rooms in the roof space), the remaining 251 are two-storey.
6. The associated works proposed include the construction of highways, landscaping and drainage works.
7. Documents submitted in support of the application include:
  - a. Planning Statement;
  - b. Design and Access Statement;
  - c. Transport Assessment;
  - d. Travel Plan Information Pack;
  - e. Flood Risk Assessment;
  - f. Noise Assessment;
  - g. Ecological Reports; and,
  - h. Aborigicultural Impact Assessment.

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## **RELEVANT PLANNING HISTORY**

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8. M/OUT/0173/11/P  
Outline application for residential development with associated accesses, landscaping and open space  
Approve with Conditions subject to a s106 agreement 23.07.2013
9. M/RES/0808/15/P  
Reserved matters application for 375no dwellings, roads, access, landscaping and associated works.

Approve with conditions 14.09.2015

10. M/FP/0346/16/P

Variation of condition 2 of approved application M/RES/0808/15/P to include alterations to the site layout, house types and garages

Approve with Conditions 23.05.2016

11. 16/5365/VAR

Variation of 111 housetypes to include an additional 2 new housetypes of previously approved M/RES/0808/15/P

Approve with Conditions 17.02.2017

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## PLANNING POLICY

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12. 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

13. 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).

14. In addition, the Council has produced its Middlesbrough Local Plan Publication Draft 2018. Whilst not yet adopted, this is a material consideration in the consideration of planning applications.

### National Planning Policy Framework

15. 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.

16. 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.

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

H1 - Spatial Strategy  
H11 - Housing Strategy  
H12 - Affordable Housing  
H22 - Land south of Ladgate Lane  
H31 - Housing Allocations  
CS4 - Sustainable Development  
CS5 - Design  
DC1 - General Development  
UDSPD - Urban Design SPD  
HGHDC - Highway Design Guide

18. 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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19. The application was advertised in the local press, site notices were posted and letters sent to residents. Following the consultation exercise one letter of objection was received from a resident, the objection is summarised below.

20. Objection from Netherby View, Ladgate Lane:

- a. Pitched as exclusive, sympathetic one with executive houses opting out of social housing, now contradicting this

- b. Noise and disruption
- c. Increase in traffic
- d. Inadequate local infrastructure
- e. Excessive house building in area

#### Northern Gas

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

#### Northern Powergrid

22. No response

#### Northumbrian Water

23. We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Drainage Strategy". In this document it demonstrates the foul flows discharging to the 600mm foul sewer downstream of manhole 2801, whilst all surface water flows shall discharge to the watercourse. We would therefore request a condition be attached to any planning approval, so that the development is implemented in accordance with this document.

#### Environment Agency

24. No response.

#### Natural England

25. Based on the location of the proposal site I don't think it likely that the proposal will have impacts upon the Teesmouth and Cleveland Coast SPA and Ramsar site, or the additional areas included in the pSPA, as the nearest of the SPA/pSPA are not readily accessible and so unlikely to be significantly affected by recreational activity. I would however suggest that for your own records and audit trail that you complete a likely significant effect screening assessment.

#### Highways England

26. This review demonstrates that there is no severe impact on the Strategic Road Network from this development. I therefore also attach a formal response of no objection.

#### Cleveland Policy - Secured by Design

27. With regards to the above application, in addition to and in conjunction with initial comments given on the first application I would identify the following.
28. I recommend applicant actively seek to develop to accredited Secured By Design Gold standards, if this is not to be the case then Silver accreditation should be the minimum sought. I would still recommend they make contact with me for any advice, guidance I can offer in relation to designing out opportunities for crime and disorder to occur in the future.

29. Having viewed the application I would also make the following comments.
- a. All highways and shared driveways, adopted and non -adopted alike, should be lit with street lighting compliant with BS5489:2013.
  - b. All footpaths through the development, including those across green areas should also be lit to these standards.
  - c. Care should be taken when introducing pathways into the development, i.e. those proposed on the north east and south east aspects, that they do not become crime generators and design in over permeability. If these cut-throughs are really necessary, as well as the lighting of them, they should be straight and wide with no vegetation close to the path edges.
  - d. Consideration should be given to the orientation of Plots 272 & 290 as well as 195 & 232 to allow for greater surveillance over the pathways.
  - e. There are a number of proposed ginnells serving rear access to middle units in blocks of 3. These should be minimal and access should be via the shortest route, I do not recommend them. If they are necessary then gates should be provided to the initial front aspect as well as to each garden.
  - f. All rear and side access should be gated with 2m high lockable gates and they should eliminate recesses. I cannot see any proposed side access treatments on plan.
  - g. Proposed 1.8m side and rear boundary treatments should be raised to 2m, those side/rear boundary treatments onto open land should be raised to a minimum of 2.2m, either close boarded or 2m close boarded with 200mm box trellis.
  - h. The proposed 900 post and rail rear sub dividing treatments offer absolutely no security or privacy. I would recommend as a minimum a 1.8m privacy screen and then 1.5m close boarded with every 2 or 3 side dividing fences being 1.8m close boarded to reduce a long run of low fences.
30. As always I am available for advice and guidance regarding these or any other issues, all information relating to the Secured By Design scheme can be found under Guide, Homes 2016 at [www.securedbydesign.com](http://www.securedbydesign.com)

#### Ramblers Association

31. No response

#### Education - MBC

32. No response

#### Waste Policy - MBC

33. Where properties are accessed by shared drives, these properties will be required to bring their waste and recycling to the nearest highway for collections. Middlesbrough Council will not collect or travel on shared drives.

#### Planning Policy - MBC

34. The wider site is allocated for 375 dwellings in Policy H22 of the Local Plan, however policy H1 states "All housing requirements and housing allocations in the Core Strategy and Housing DPD are minimum figures unless otherwise stated. Proposals for fewer than the minimum or more than the maximum dwelling requirements for a site will only be considered where it can be clearly demonstrated through a design led approach and having regard to the characteristics of the surrounding area and any site specific policy requirements that an alternative capacity is more appropriate."
35. The proposals would meet National Planning Policy Framework aims and objectives, regarding increasing and delivering a wide choice of high quality homes. In addition,

the applicants have increased the level of open space on the site. There will also be additional developer contribution requirements, to mitigate against any impacts deriving from the proposal.

36. Given the above and on balance the proposal can be considered for approval, subject to Development Control overall evaluation

#### Highways - MBC

37. The proposals being considered seek to increase the number of units by 104. The increase in residential units will occur within area A, thus increasing the units on this part of the site from 205 to 309. Area B and the associated site access is unaffected by the proposals being considered.
38. In planning and highway terms therefore we are considering the net difference between the scheme that has been granted planning consent and that now proposed.
39. The proposed scheme has demonstrated that the level of traffic generated by the proposed scheme and its subsequent impact on the adjacent highway network is not materially different to that previously considered, mitigated for and approved by the authority. As such no objections are raised subject to standard conditions.

#### Right of Way - MBC

40. No objections subject to relevant conditions

#### Local Flood Authority - MBC

41. No objection subject to relevant conditions.

#### Environmental Health - MBC

42. The application has been considered in relation to noise from the highway network, air quality as a result of the additional traffic, and site contamination. No objections have been raised subject to relevant conditions.

#### Ladgate, Kader and Coulby Newham Community Councils

43. No response

#### Marion East Community Council

44. I am writing on behalf of Marion East Community Council to express concern about the amount of extra traffic on a very busy Ladgate Lane if these additional dwellings go ahead.

#### Ward Councillors

45. No comments received

#### **Public Responses**

Number of original neighbour consultations	96
Total numbers of comments received	2
Total number of objections	2
Total number of support	0

Total number of representations 0

Site notice posted – 10th September 2018

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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### **Principle of development**

46. The application before Members is a full application for the development of 309 dwellings and associated works including roads, drainage and landscaping. The site is a brownfield site allocated in the Housing Local Plan and permission has previously been given for housing on the site. As a result the principle of dwellings on this land has been established. This application is for a re-plan of 205 dwellings which have already been approved. The remaining 104 dwellings are additional dwellings on top of the 375 dwellings approved on the wider site raising the total number to 479 dwellings.
47. The application considers the principle of a further 104 dwellings on the site in policy terms, highways implications, drainage infrastructure, landscaping and the detail of the 309 dwellings proposed in terms of their appearance, scale and the site layout.
48. During the application process revisions have been made to the layout and the housetypes in response to consultation responses and officer comments. The revisions do not materially change the development proposed and therefore did not require further consultation with residents or statutory consultees.

### **Policy**

49. The application site is part of the wider Ladgate Lane site, now known as Ladgate Woods, allocated in the Housing Local Plan for residential development. PPolicy H22 applies.
50. Under the planning applications listed in the history section above, permission was granted for 375 dwellings. In accordance with Policy H22. The proposed development will increase the number of dwellings by 104 units to 479 units. Although Policy H22 states the site will be developed for 375 units, Policy H1 states the figures should be considered a minimum and enables the numbers to increase or decrease subject to the consideration of relevant local and national policies.
51. Policy H22 requires the site to consist of three and four bed dwellings whilst the existing consent includes five bed dwellings. The proposed development seeks to construct a mix of two, three and four bed dwellings removing five bed dwellings from the development. The National Planning Policy Framework (NPPF) makes clear that when local planning authorities assess residential schemes they should take account of the need to deliver a wide choice of high quality homes, widen opportunities for different types of home ownership, and plan positively for the achievement of high quality and inclusive design for all development. It is therefore considered that the proposal meets the above aims and objectives of the NPPF.
52. Policy H12 requires developments to include affordable housing both on site and by means of a contribution to offsite development. The existing s106 legal agreement which was the mechanism for obtaining affordable housing for the site must be reconsidered to increase contributions were necessary and introduce any new contributions required to mitigate against the impacts of the development.



53. It is considered that the proposed development will also contribute towards meeting the required housing numbers in Nunthorpe in line with Policies H1 and H11.
54. The proposal is considered to accord with national and local planning policy in general terms.

## **Highways**

55. The former police HQ site was previously considered and approved by the local planning authority. This existing consent is for 375 units, with the site being split into two areas (Area A & B);  
Area A contains 205 units and is served from the existing access into the Police HQ site.  
Area B contains 170 units and is served from a new junction onto Ladgate Lane in the form of a right turn ghost island.
56. It is not possible to drive between the two parts of the site and as such each access independently serves each part of the approved development. The site is currently under construction and both access points have been formed.
57. The proposals being considered seek to increase the number of units by 104. The increase in residential units will occur within area A, thus increasing the units on this part of the site from 205 to 309. Area B and the associated site access is unaffected by the proposals being considered.
58. In planning and highway terms therefore we are considering the net difference between the scheme that which has been granted planning consent and that now proposed.
59. A Transport Assessment (TA) has been submitted to support the application and has utilised the same methodology as the original TA for consistency. The net difference between the original approved scheme and that now proposed is a potential increase of 75 vehicles in the AM peak and 88 vehicles during the PM peak.
60. Once this additional traffic is distributed across the highway network, as per the agreed approach, the impact over and above that previously considered at individual junctions diminishes further to levels representing less than one vehicle per minute. When considering background traffic flows and daily fluctuations that can be seen in traffic levels these changes are not of a scale to necessitate further investigation nor mitigation.
61. As part of the original planning consent a package of physical works and financial contributions were sought. Whilst it is acknowledged that there will not be a material impact on the adjacent highway, in terms of pure capacity, the additional numbers of residential units places increased demand on non-vehicular infrastructure. As such a further financial contribution has been sought which will be used towards improvements to sustainable travel infrastructure in the locality of the site which will provide enhanced sustainable facilities and reduce dependence on the private car.
62. The proposed scheme has demonstrated that the level of traffic generated by the proposed scheme and its subsequent impact on the adjacent highway network is not materially different to that previously considered, mitigated for and approved by the authority. As such no objections are raised subject to standard conditions.

63. The design of the internal layout follows the principles established through the outline masterplan with the scheme being designed and constructed to a standard suitable for adoption.
64. There are a number of footpath links throughout the site connecting the areas of open space, the woodland and the surrounding public footpath network. The rights of way should be dedicated, full details of the rights of way will be controlled by condition.
65. The parking provision on the site includes in curtilage and dedicated on street visitor parking bays. The parking spaces provided are larger than those previously approved and the overall parking provision has been increased in comparison to the approved scheme.
66. The application has been considered by the Local Highway Authority who have no objections to the scheme. The development is considered to be in accordance with the requirements of Policies DC1 and CS5.

### **Flood Risk**

67. A Flood Risk Assessment has been submitted in support of the application. The site is within National Flood Zone 1 which is classified as having a low probability of flooding, less than 1 in 1000 annual probability of river or sea flooding (<0.1%), residential dwellings are therefore an appropriate form of development in line with the NPPF technical guidance table 3.
68. The proposed sustainable drainage scheme is incorporated into the landscape to provide a high quality green environment. If approved a condition will require the submission of the full details and specifications of the sustainable drainage system to the Planning Authority.
69. Surface water from the development will feed into Marton West Beck which is currently the subject of a scheme of improvement works. It is considered necessary to seek monies via a s106 contribution towards these works to the beck.
70. The Local Flood Authority and Northumbrian Water have considered the submitted flood risk assessment and drainage details and have no objections subject to relevant conditions. The development is considered to be in accordance with the requirements of Policies DC1 and CS4.

### **Environmental Health**

71. Environmental Health have considered the application in relation to noise from the highway, air quality and site contamination. Environmental Health have confirmed that they have no objections to the development subject to a conditions to ensure the development is carried out in accordance with the noise assessment and the site investigation.

### **Amenity**

72. Due to the location of the site and the existing woodland around the site the development will not have any impact on the amenities of existing residents outside the application site. The separation distances with the existing residents within the wider Ladgate Woods site and between the proposed dwellings are in keeping with those on the approved site. Internally within the development there are areas where the separation distances fall short of the councils 21m/14m guidance. During the application process revisions were made to the layout to maximise the separation

distances where possible through re-orientation of dwellings within their plots and alterations to housetypes. It is considered that the shortfall in separation distances is now minimal and it does not warrant the refusal of this application.

73. The layout of the development is such that dwellings do not have significant overshadowing of existing properties within the wider site. The dwellings proposed are two-storey and three-storey properties, the woodland around the site will restrict views of the dwellings reducing their dominance and appearance in relation to existing dwellings outside the site.
74. It is considered that the development will not have a detrimental impact on the amenity of any existing residents, and the layout will ensure that new residents have adequate levels of amenities. The development is considered to be in accordance with the requirements of Policy DC1 and CS5 on these matters.

## **Design**

75. The proposed dwellings include two, three and four bed dwellings consisting of two and three storey detached, semi-detached and terraced dwellings. Previously approved five bed dwellings have been removed from the scheme and small terraced rows of three or four dwellings have been proposed.
76. The percentage (across the wider site) of two bed properties has increased from 7% to 17%, three beds have increased from 42% to 53% and four beds have increased from 27% to 30% absorbing the 24% five bed dwellings previously approved.
77. The scheme includes a mix of 12 housetypes, 10 of which have been previously approved on the site, a further two new housetypes are proposed, one of which is a variation of an approved housetype creating a 'corner turner'. The housetypes incorporate various design details including brick detailing, porches, garret style dormer windows, projecting gable features and integral garages.
78. Statement dwellings and corner turners have been located at prominent positions throughout the site and the terrace dwellings are scattered throughout the development to further enhance the streetscene and quality of the development.
79. The NPPF requires local authorities to deliver a wide choice of high quality homes to significantly boost the supply of housing. The proposed dwellings offer a mix of styles and sizes from two bed properties to four bed properties with varying garden sizes. The dwellings are considered to be in accordance with the requirements of the NPPF.
80. The buildings will save 10% energy as required by Policy CS4 through a fabric first approach as required by condition. The proposed dwellings will be built to an enhanced specification rather than basic compliance with Part L1A 2013.
81. The proposed dwellings are considered to be of a suitably high quality design for this site and are in keeping with those dwellings constructed on the wider site. The development is considered to be in accordance with the requirements of Policies DC1, CS4 and CS5.

## **Streetscene**

82. When considering an application of this scale it is necessary to consider the impact of the development on the character of the area which should be maintained and enhanced. Whilst overall the character of the area will change with housing erected on this site, the existing and proposed trees, hedges and landscape works, together

with the internal layout, road hierarchy, design and orientation of the dwellings, will contribute towards a high quality streetscene which mitigates the visual impact of the development on its surroundings helping to assimilate the scheme into the wider residential area.

83. The dwellings have been orientated to benefit from views over the open spaces and landscaped areas, with rights of way penetrating the site connecting the properties to the landscaped areas, wooded areas and the wider right of way network. Statement dwellings have been located at prominent positions throughout the site to further enhance the streetscene and quality of the development.
84. The revised open space located centrally makes significant improvements on the previous layout which provided green space however due to its small size and location, wholly surrounded by dwellings, it did not provide open aspects which may have reduced its use by the wider site. In contrast the proposed green space is larger and provides open views and green links to the north and south. The improved landscape area will provide significant benefit to the community providing leisure opportunities through walkways connecting the open areas and landscaped spaces, and enhancing the visual appearance of the area.
85. The layout incorporates some secured by design principles with properties facing onto open areas and walkways providing high levels of natural surveillance. Future residents will also benefit from the open aspects.
86. It is considered that the development will not have a significantly adverse impact on the character and appearance of the area and will result in an attractive streetscene to the benefit of existing and future residents. The development is in accordance with the requirements of Policies CS5 and CS4.

## **Ecology**

87. Ecological Impact Assessments have been submitted as part of the application documents. Since the police have vacated the site the grounds have not been regularly maintained. The updated ecology assessments identified Bee Orchids, a protected species of flower, on the site which was not previously identified. In accordance with relevant legislation and guidance a translocation plan has been submitted. This document details the investigations into suitable areas for the re-location of the orchids. A suitable location has been identified within the site and an appropriate method statement has been submitted with the supporting documents. A condition will ensure the development is carried out in accordance with the documents.
88. The site is a brown field site on which development has previously been approved for dwellings. The proposed scheme will see the removal of the vacant buildings and seeks to significantly increase the landscaped area in comparison to the existing approval. The Bee Orchids identified will be re-located within the site. It is considered that the development will enhance the ecological potential of the site and have a positive impact in accordance with the requirements of Policy CS4.

## **Conclusion**

89. 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 design that will provide a pleasant and sustainable environment. Significant landscaped areas will enhance ecological potential and will benefit the wider community. There are no statutory objections to the proposal in

terms of the sustainability of the site or the ability to meet necessary flood, ecology, highways and noise mitigation.

90. The application site is an allocated site within the approved Housing Local Plan. Although the additional dwellings raise the total number on the site above the 375 stated in Policy H22, Policy H1 states that the figure is a minimum. The proposed development meets the requirements of this policy and other relevant local and national policies. On balance the increased number of dwellings above that stated in Policy H22 does not outweigh the social, economic and environmental sustainable benefits of the development.
91. It is the planning view that none of the material objections raised will result in a significantly detrimental impact on the character of the area, the nearby residents or the community as a whole. The proposals do not conflict with local or national policies relating to sustainability, design, transport, open space or flood risk. The development will support the spatial vision set out in the development plan.

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## RECOMMENDATIONS AND CONDITIONS

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### Approve subject to 106 Agreement

1. Time Limit  
The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
- Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. Approved Plans  
The development hereby approved shall be carried out in complete accordance with the plans and specifications detailed below and shall relate to no other plans:
- a. Location Plan, drawing no. LL(M)-000;
  - b. Site Layout, drawing no. MID-LAD-PH3-001 rev. B;
  - c. Boundary Treatment, drawing no. MID-LAD-PH3-003 rev. B;
  - d. Materials Layout, drawing no. MID-LAD-PH3-004 rev. B;
  - e. Chatsworth Plans and Elevations Sash, drawing no. CT-WD01 rev. F;
  - f. Alnwick Plans and Elevations Sash, drawing no. AN-WD01 rev. L;
  - g. Clayton Plans and Elevations Sash, drawing no. CA-WD01, rev. G;
  - h. Clayton Corner Plans and Elevations Sash, drawing no. CCA-WD01, rev. L;
  - i. Chedworth Plans and Elevations Victorian, drawing no. CD-WD01 rev. T;
  - j. Hanbury Plans and Elevations Sash, drawing no. HB-WD01 rev. W;
  - k. Hatfield Plans and Elevations Sash, drawing no. HT-WD01 rev. U;
  - l. Lumley Plans and Elevations Victorian, drawing no. LY-WD01 rev. R;
  - m. Morden Plans and Elevations, drawing no. MR-WD01 rev. P;
  - n. Mosley Plans and Elevations, drawing no. MS-WD01 rev. T;
  - o. Roseberry Plans and Elevations Victorian, drawing no. RS-WD01 rev. U;
  - p. Souter Plans and Elevations Sash, drawing no. SU-WWD01 Rev. Y;
  - q. Winstar Plans and Elevations Victorian, drawing no. WS-WD01 rev. W;
  - r. Single/Double Garage Plans and Elevations, drawing no. SGD-01 rev. B;
  - s. Triple Garage Plans and Elevations, drawing no. SGD-02 rev. B;
  - t. Proposed Sound Mitigation, drawing no. LL(M)-SM-012 rev. N;

- u. Measurement and Assessment of Noise Levels, report no. 246.54/5 dated 22nd July 2016;
- v. Supplementary Ground Investigation Letter, reference no. C5014/5145/MG/MG, dated 21 August 2013;
- w. Ground Gas Monitoring Addendum Report, reference no. C5014/5152/APC/APC, dated 27th August 2013;
- x. Geoenvironmental Appraisal, reference no. C5014, dated August 2013;
- y. Vehicular Swept Path Analysis Refuse Vehicle, drawing no. 47417-WSP-DR-ATR-001 rev. P01;
- z. Vehicular Swept Path Analysis Refuse Vehicle, drawing no. 47417-WSP-DR-ATR-002 rev. P01;
- aa. Sustainable Travel Information Pack, received 14th August 2018;
- bb. Transport Assessment, reference no. V0002.2, dated August 2018;
- cc. Response to Highways England, reference no. TM01, dated 28th November 2018;
- dd. Drainage Strategy, drawing no. N18149-290 rev. P1;
- ee. Flood Risk Assessment and Drainage Strategy, reference no. N18149 rev. 1;
- ff. Aboricultural Impact Assessment, reference no. ARB/AE/1840 dated June 2018;
- gg. Tree Survey Report, reference no. BS5837:2012;
- hh. Ecological Appraisal, project no. 5527, dated October 2018;
- ii. Habitat Regulations Assessment Screening Opinion Report, project no. 5527, dated November 2018; and,
- jj. Translocation Plan, project no. 5527, dated November 2018.

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

### 3. Materials

The development hereby approved shall be carried out in complete accordance with the external finishing materials detailed in the approved Materials Layout, drawing no. MID-LAD-PH3-004 rev. B, or in accordance with details to be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

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

### 4. Construction of Roads and Footways Prior to Occupation of Dwellings

No dwelling to which this planning permission relates shall be occupied unless or until the carriageway basecourse 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 convenience of prospective residents.

### 5. Car and cycle parking laid out

The buildings shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason; In the interests of highway safety.

6. Method of Works Statement

Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall include at least the following information;

- a) a programme of works
- b) the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- b) where contractors will park
- c) where materials will be stored within the site
- d) measures employed to ensure no mud/detritus is dragged out over the adjacent highway
- e) a jointly undertaken dilapidation survey of the adjacent highway.

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.

7. Noise

The development must be carried out in full accordance with the approved Measurement and Assessment of Noise Levels, report no. 246.54/5 dated 22nd July 2016 and the Proposed Sound Mitigation, drawing no. LL(M)-SM-012 rev. N. The mitigation works must be carried out prior to occupation of the dwellings hereby approved and must be retained on site in perpetuity.

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

8. Site Contamination

Before each phase of the development commences a Phase 2 Ground Investigation report shall be submitted to and approved in writing by the Local Planning Authority. This will confirm the existing geotechnical parameters and determine the foundation design for that proposed phase. The investigation for the phase(s) of the development that include the areas identified in the initial Phase 1 Environmental Survey, namely: Block C, Plant room, Block F, oil drums and barrels area identified adjacent to block F, and the former water feature that has been infilled should also include a targeted contamination risk assessment. This risk assessment and any required remediation scheme must be approved in writing by the Local Planning Authority and shall thereafter be implemented prior to that phase commencing. A validation report of the duly remediated site shall be provided if required in the form of a detailed completion statement confirming that the approved remediation measures 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 potential occupiers of the site, and in the interests of sustainable development

9. Public Rights of Way and Bridleways

Within 6 months of commencement of the development hereby approved, a Public Right of Way phasing plan detailing the timing of implementation and construction details of the proposed Public Rights of Way, and their connections with the existing network, shall be submitted to and approved in writing by the Local Planning Authority.

The approved Public Right of Way phasing plan shall be implemented as agreed, unless agreed otherwise by the Local Planning Authority.

Reason: To ensure appropriate facilities are provided throughout the development in order to promote an active lifestyle and reduce dependence on the private car.

10. Surface Water Drainage

A detailed surface water scheme (design and strategy) must be submitted to, and approved in writing by the Local Planning Authority before work commences on site). This should be accomplished by the use of SuDs techniques. This scheme (design and strategy) should be designed, following the principles as outlined in the Flood Risk assessment (N18149 – Revision 1), to the greenfield runoff rate and should be achieved by means of a sustainable drainage system. Details shall include but not be limited to:

- a. An assessment of existing geology, ground conditions and permeability
- b. The proposed 'management train'
- c. The surface water discharge from the development must be limited to a Greenfield run off rate(Qbar)
- d. Location and type of source control
- e. Site controls with storage locations
- f. Conveyance and exceedence routes.
- g. A build program and timetable for the provision of the critical surface water drainage infrastructure.
- h. A management plan detailing how surface water runoff from the site will be managed during the construction Phase to prevent the potential flood risk during construction but also reduce the risk of silt from the development entering the receiving public sewer.
- i. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption 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.

If it is not possible to include a sustainable drainage system details as to the reason why must be submitted.

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area in accordance with the National Planning Policy Framework.

11. Foul and Surface Water (NWL)

Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Strategy" dated "May 2018". The drainage scheme shall ensure that foul flows discharge to the foul sewer downstream of manhole 2801 and ensure that surface water discharges to the existing watercourse.

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

12. Landscape Scheme

Prior to the commencement of construction of each phase of the development a scheme showing full details of both hard and soft landscape works and a programme of works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.

These details shall include: footpath and cycleway links; proposed finished levels or contours; means of enclosure and boundary treatment; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials, minor artefacts and structures (eg; furniture, play equipment, refuse or other storage units,



signs, lighting etc.); proposed and existing functional services above and below ground (eg; drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers, densities where appropriate; implementation programme.

Reason: To ensure a satisfactory form of development and to improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area.

13. Landscape Management Plan

A Landscape Management Plan including long term (minimum 10 years) objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the first occupation of the approved dwellings. The Landscape Management Plan shall be carried out as approved.

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

14. Trees Protection and Work

The development must be carried out in full accordance with the approved Arboricultural Impact Assessment, reference no. ARB/AE/1840 dated June 2018.

Reason: To prevent the loss during development of trees and natural features and to ensure so far as is practical that development progresses in accordance with current best practice.

15. Replacement Tree Planting

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

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

16. Trees

In this condition retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of five years from the date of the occupation of the building for its permitted use.

- a. no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:1989 (with subsequent amendments)(British Standard recommendations for Tree Work).
- b. if any retained tree is removed, uprooted or destroyed or dies during the period of construction another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the local planning authority. Similarly, if a retained tree dies or needs to be removed within five years of completion, and

- this is found to have been the result of damage sustained during development, this replanting condition will remain in force
- c. the erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. Retained trees shall be protected fully in accordance with British Standard 5837:1991 (Guide for Trees in Relation to Construction). In particular, fencing must not be dismantled at anytime without the prior consent of the local planning authority.

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

17. Ecological Appraisal  
The development shall be carried out in complete accordance with the recommendations set out in section H of the approved Ecological Appraisal, project no. 5527, dated October 2018.

Reason: To conserve a protected species and/or habitat in accordance with the Wildlife and Countryside Act 1981 and PPS9 on "Biodiversity and Geological Conservation".

18. Translocation Plan  
The development shall be carried out in complete accordance with the approved Translocation Plan, project no. 5527, dated November 2018.

Reason: To conserve a protected species and/or habitat in accordance with the Wildlife and Countryside Act 1981 and PPS9 on "Biodiversity and Geological Conservation".

19. PD Rights Removed - Boundary Enclosures 1m  
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no fences, gates, walls or other means of enclosure over 1m in height (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 a principle elevation and fronts onto a road, footpath or open space.

Reason: In order that the local planning authority may protect the visual amenities of the area.

## **REASON FOR APPROVAL**

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

The relevant policies and guidance is contained within the following documents: - National Planning Policy Framework 2012 - Middlesbrough Local Development Framework (LDF) - Core Strategy (2008); Regeneration DPD and Proposal Map (2009) - Middlesbrough

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

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## **INFORMATIVES**

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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 (<http://www.planningportal.gov.uk/england/public/planning/applications/feecalc>). Please be aware that where there is more than one condition a multiple fee may apply.

### **Building Materials on Highway**

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

### **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

### **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.

### **Delap**

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)

### **Stats**

The applicant is advised that the proposed scheme is likely to affect statutory undertakers equipment in the vicinity of the site and that such equipment may require alterations. The applicant should therefore contact all the utilities to ascertain the location of the equipment and any requirements they may have prior to works commencing

#### PROW

The applicant is advised that the proposed scheme is likely to affect the adjacent Public Right of Way. The PROW should remain free to use throughout the works and unaltered without the prior consent of the authorities PROW officer. Any diversions or extinguishments will require the relevant legal works, which will need to be funded by the applicant and carried out prior to the commencement of works on site. Such legal processes are not guaranteed to be successful.

(For further information contact Stewart Williams 01642 728153)

#### Street Name and Numbers

Should the development require Street Names, Numbers and/or Post Codes the developer must contact the Council's Naming and Numbering representative on 01642 728155.

#### Northern Gas

The applicant must contact Northern Gas Networks directly to discuss requirements in detail.

#### Secured by Design

The applicant is recommended to actively seek to develop to accredited Secured by Design standards or to contact the Secured by Design Officer for advice relating to designing out opportunities for crime and disorder to occur in the future.

Secured by Design contact: [stephen.cranston2@cleveland.pnn.police.uk](mailto:stephen.cranston2@cleveland.pnn.police.uk)

Case Officer: Shelly Pearman

Committee Date: 1st February 2019

