
APPLICATION DETAILS

Application No:	18/0605/OUT
Location:	Land At Dell Close Middlesbrough
Proposal:	Outline application with all matters reserved for the erection of up to 3no dwellings
Applicant:	Mr Julian Astbury
Agent:	Mr Gary Swarbrick
Company Name:	ELG Planning
Ward:	Marton West
Recommendation:	Approve with Conditions

SUMMARY

The application seeks outline consent for the erection of up to 3 dwellings with all matters reserved. As a result, this report only relates to the principle of the development of the site. Should permission be granted, the reserved matters of Access, Layout, Appearance, Scale and Landscaping would need to be subject of a further application.

Notwithstanding this application is for outline consent, the applicant has submitted a set of indicative site layout plans to depict the location of the three dwellings within the site with the frontages being in-line with the existing dwellings and facing towards the highway.

The application site is an area of land located adjacent to a residential area positioned between the current housing on Dell Close and the Marton Beck Valley/Fairy Dell Park. The land is undeveloped land with an informal footpath link to Fairy Dell Park and a pumping station with associated vehicle access sited towards the western boundary. The land is designed as Green Wedge and Primary Open Space within the adopted Local Plan.

Following a consultation exercise there were 67 objections received from 49 properties. The objections relate primarily to the loss of the green wedge, overdevelopment, impact on amenity of the neighbouring properties, drainage, ecology and highway impacts.

There has been one letter of support and one neutral comment. The support comment relates to the reduction in the number of dwellings to three, potential improvement to the footpath to Fairy Dell, bungalow development and Plot 3 having been already granted approval in the 1960's. The neutral comment relates to the retention of the Fairy Dell footpath access.

The applicant is seeking outline consent up to 3 dwellings with all matters reserved, which has been considered in relation to relevant local and national planning policies. The

development is considered to be a departure from Local Plan Policies E2 (Green Wedge) and E7 (Primary Open Space) as the proposal is for housing. However, it is considered that the overall scale of the development proposal and the location of the application site at the end of an established residential cul-de-sac, will not have a significant impact on the overall purpose of the Green Wedge or the Primary Open Space of the Beck Valley area. The Development is considered to be in accordance with Policies DC1, CS4, CS5, CS20 and will assist in the requirements for Policies H1 and H11 in relation to the provision of homes.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site comprises an area of 2.3 hectares and is defined as Green Wedge and Primary Open Space. The site is located to the west of an established residential cul-de-sac at Dell Close which consists of detached and semi-detached bungalows and dormer bungalows with an un-adopted access road. To the west is Marton West Beck / Fairy Dell Park and to the south is the Fairy Dell. A footpath / steps lead to Fairy Dell, located in the south west corner of the site. To the north are residential properties along Montrose Close with residential properties to the east along Dell Close. The land slopes steeply downwards from the western and southern boundaries of the site.

This application was initially submitted for the erection of upto 5 dwellings although through the application process, this was reduced to 3. The application therefore seeks outline consent with all matters reserved, for the erection of up to 3 residential dwellings. The following documents were submitted in support of the application:

- a) Planning Statement;
- b) Flood Risk Assessment and Drainage Strategy;
- c) Ecological Appraisal;
- d) Tree Survey and,
- e) Transport Assessment.

PLANNING HISTORY

M/FP/1097/00/P – 2.4 metres high fencing around kiosk compound on land west of Dell Close, approved 2000

M/FP/1526/99/P- Surface installation with sewer Infrastructure Improvements, dredging and remediation of pond at Fairy Dell, Gunnergate Lane, approved 1999

C2636/73 – 7 Dell Close – 1 detached dwelling, refused 1973

3/3/3552 – 2 & 4 Dell Close, pair of semi-detached bungalows and extension of estate road, approved November 1963

3/3/3953 – 6 & 8 Dell Close, extension of estate road and erection of a pair of semi-detached bungalows approved 1965

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan for the area, unless material considerations indicate otherwise.

Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

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

Middlesbrough Local Plan

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

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).

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

National Planning Policy Framework

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

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

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

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

DC1- General Development
CS4- Sustainable development
CS5- Design
CS20 – Green Infrastructure
H1- Spatial Strategy
E2- Green Wedges
E7- Primary Open Space
E22 – New Housing in Countryside
UDSPD- Urban Design SPD
MWNP- Marton West Neighbourhood Plan

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

CONSULTATION AND PUBLICITY RESPONSES

The application has been advertised in the local press, site notices posted and consultations sent to statutory consultees, local residents and Ward Councillors.

Following the consultation exercise 67 objections were received from 49 properties. In addition, objection comments have been received from Councillor Chris Hobson and from the Marton West Community Council.

There was one letter in support and one neutral letter received.

The objections are summarised below:

Principle of the Development / Impact character and appearance

- a) Destroying green space
- b) No requirement for more housing in Marton
- c) Out of keeping with the character of the area
- d) Not sufficient new build information
- e) Overdevelopment
- f) Layout of properties projects forward of existing building line
- g) Developments occurring 1-2 miles away have greater site space and infrastructure

Highways

- h) Traffic increase, add to Marton Crawl and Gunnergate Lane
- i) Construction traffic issues, hours, traffic and if to HSE standards
- j) Road Safety
- k) Parking issues from visitors to Fairy Dell obstructing Dell Close
- l) Un-adopted road and issues with utilities access
- m) Transport assessment does not include a potential third site behind 8 Linden Crescent
- n) Road surface not acceptable under New Roads and Street Works Act and noise from concrete surface.
- o) How will minimum road and footpath widths be maintained
- p) Mud on the roads

Amenity issues

- q) Noise and dust pollution/disturbance – compensation for residents
- r) Only safe access to Fairy Dell for various social groups, Ramblers Association and Police to Colby Newham Station
- s) Area older people exercise/socialise
- t) Privacy/overlooking issues
- u) Removal of 2 properties will not reduce the impact on privacy
- v) Loss of view and impact on quality of life
- w) Nowhere for children to play
- x) Anti-social behaviour
- y) Theft increase with building materials
- z) Litter increase from development
- aa) Location of the boundary fences and if existing properties boundary fences will be used.

Ecology/ Drainage

- bb) Previous permission refused due to subsidence issues, which is why there is a shared garage but no property/garage adjacent. Impact of subsidence on neighbouring properties.
- cc) Depth of new drainage for existing properties means there could be issues with unstable land for housing
- dd) Drainage utilities at risk from development
- ee) Drainage pressures to existing systems
- ff) Impact on wildlife/local ecology/newts/bats
- gg) Loss of wildlife will impact on school trips to the area
- hh) Trees being removed
- ii) Historic path leading to the lake from the site
- jj) Pond in Fairy Dell needs regular clearing and this development would obstruct access
- kk) Access for Northumbrian Water and Middlesbrough Borough Council

The objections were from :

1. 15 Worsley Crescent
2. 5 Dell Close
3. 17 Montrose Close
4. Brockendale, Dixons Bank
5. 6 The Pastures
6. 8 Dell Close
7. 1 Montrose Close
8. 2 Dell Close
9. 9 Montrose Close
10. 10 Linden Crescent
11. 14 Cambridge Avenue
12. 5 Grange Crescent
13. 1 Dell Close
14. 30 Marlborough Road
15. 1 Worsley Crescent
16. 15 Cambridge Avenue
17. 15 Marlborough Road

18. 18 Okehampton Drive
19. 19 Tollesby Lane
20. 22 Cambridge Avenue
21. 24 Rosemoor Close
22. 25 Normanby Hall Park
23. 29 Church Lane, Eston
24. 32 Albany Road
25. 37 Cambridge Avenue
26. 52 Tollesby Lane
27. 6 Adelaide Road
28. 6 Alderwood
29. 68 Cambridge Avenue
30. 8 Cambridge Avenue
31. 8 Linden Crescent
32. Normanby Court
33. 12 Brookdale Road
34. 13 Okehampton Drive
35. 26 Adelaide Road
36. 3 Portland Close
37. 7 Montrose Close
38. 8 Gunnergate Lane
39. 4 Dell Close
40. 1 Fairy Dell
41. 12 Marlborough Road
42. 14 Linden Crescent
43. 24 Albany Road
44. 3 Montrose Close
45. 33 Adelaide Road
46. 6 Linden Crescent
47. 76 Gunnergate Lane
48. 12 Okehampton Drive
49. 62 Cambridge Avenue

Neutral comments

- a. No objection as long as footpath remains open as the site is currently an eyesore

Support comments

- a. 3 dwellings is a compromise with Plot 3 having been granted planning permission in the 60's
- b. Request only bungalows and design should be in keeping
- c. Potential to request a new pedestrian footpath from Gunnergate Lane

Planning Policy – MBC (summarised)

No objections having considered local and neighbourhood policies, the reduced number of units, the site being on the fringe of the designated area means it would not adversely affect the character and appearance of the Green Wedge and Primary Open Space area or prevent the achievement of an integrated network of green infrastructure. In accordance with Policy MW1, there may be opportunities to seek enhanced accessibility arrangements into the wider designated area.

Highways – MBC

No objection to the proposal as Dell Close provides suitable sight lines and width to serve the additional units, subject to an informative covering the refuse collection points.

Flood Risk officer - MBC

No objections subject to conditioning the Flood Risk Assessment and Flood Risk Drainage Strategy.

Waste Policy - MBC

Where shared drives are used, residents are required to make their waste & recycling available for collection at the nearest highway.

Environmental Health – MBC

Conditions required relating to site contamination, noise assessment for the existing pumping station and an informative on the construction noise and deliveries to the site.

Secure by Design - Police

Future development of the site actively seek Secured by Design Gold Standards, as a minimum Silver accreditation should be sought. The orientation of the dwellings should consider the foot access to Fairy Dell to not to design a potential crime generator. Advised to contact Cleveland Police for further guidance in the future.

Northern Gas Networks

No objections to these proposals. Should apparatus be in the area the promoter of the works should contact Northern Gas Networks directly with any diversionary works being at charged to the applicant

Northumbrian Water

We have reviewed the submitted drainage strategy and are satisfied for this development to agree final connection points through our section 106 process, provided the surface water flows discharge to the pond or soakaways.

The proposed development is located in close proximity to a pumping station. By nature of its function as part of our statutory duty as sewerage undertaker, our assets can produce odour and noise during daily operations as well as traffic for access for maintenance. We include these comments as information only so that awareness is given to the presence of the pumping station in proximity to the development site.

Marton West Community Council

Following the Executive Ward Meeting of the Marton West Community Council on Thursday 4th October, I have been asked to convey its objections to the above Outline Planning Application.

Briefly those objections are:

1. This will be the loss of yet another green space within the ward. Because the area has been undisturbed for many years it has become biodiversity rich. Despite the Tree Survey which indicates that those trees which are to be removed are of no value, they will be a loss to the ecological make up of the area;
2. The proposed properties are an over-development of the area and are in close proximity to existing dwellings;
3. Ward residents recall the difficulties involved during the building of the foundations of the existing dwellings in Dell Close and question whether these plans are feasible; 3. It is a much used entry point to Fairy Dell - a destination for many families. It is a safer access point than those in Gunnergate Lane where a busy road has to be crossed;

Therefore, the Executive Community Council meeting, on behalf of the ward residents, strongly object to this application.

Councillor Chris Hobson

I wish to object to the outline planning application for three dwellings on this land. With the amount of infrastructure under this land I feel it should not be built on.

Public Responses

Number of original neighbour consultations	24
Total numbers of comments received	69
Total number of objections	67
Total number of support	1
Total number of representations	1

PLANNING CONSIDERATION AND ASSESSMENT

1. This application is an outline planning application for the development of up to 3 dwellings with all matters relating to access, appearance, layout, scale and Landscaping being reserved. The principle issues to be considered relate to the appropriateness and sustainability of the site and the impact on the highway network.
2. Consideration can only be given to matters that are material to this application. A number of objections received relate to matters which are not material Those matters which are not material include road surface materials, mud on the roads, dust pollution, loss of view, housing requirements in the area, litter increase, theft increase, compensation for disturbance and those details relating to the reserved matters including parking provision and design and layout.

Policy/Principle of Development

3. The National Planning Framework (NPPF) sets out a general presumption in favour of sustainable development and through its core planning principles encourages the planning system to promote economic development including the provision of new housing, seeking high quality design and reusing land that has not been previously developed.
4. The relevant policies with the Council's Local Development Plan Core Strategy relating to this application are Policies E2 (Green Wedge), E7 (Primary Open Space), CS4 (Sustainable Development), CS5 (Design), H1 (Spatial Strategy), H11 (Housing Strategy) and DC1 (General Development) and the Marton West Neighbourhood Plan (MWNP).
5. In the publication Local Plan the site is allocated as green wedge and open space with draft Policies INFRA7- Green Wedges and INFRA8 – Open space, Recreation and leisure facilities applying. The draft local plan has not been formally adopted so can only be given limited weight.
6. The application site is designated as Green Wedge and Primary open Space. Saved Policy E2 seeks to retain green wedges and open space areas as they provide a

major element in terms of the greenspace network. Policy E2 states that residential development will not be considered suitable unless it relates to accommodation for agricultural or forestry workers or would not affect the predominantly open, green character or quiet enjoyment of the green wedge or create undue nuisance or disturbance to occupiers of nearby properties. In addition, Policy E2 comments that new development should not harm visual amenity, impair public access to green wedges/ compromise green links or reduce the physical separation between existing development.

7. Saved Policy E7 sets out that primary open space will be safeguarded from development with exceptions for development which complements its function, is of over-riding benefit to the community and which would not result in the significant loss of open space with the green wedge. For development to be considered acceptable it would need to be of a scale, design and location which would not harm the character, visual amenity, nature conservation value or recreational value of the remaining space.
8. Since the original submission the development area has been reduced and the number of residential dwellings have been limited to a maximum of three. The development would result in the loss of a section of the green wedge and open space located alongside the current housing on Dell Close. However, the existing areas of green wedge and open space located towards the west and south west of the site towards Marton West Beck and Fairy Dell Park will be retained, along with the footpath access to the Fairy Dell.
9. Despite the dwellings not being utilised for agricultural or forestry needs they are located within a residential estate and are considered to be a continuation of the existing cul-de-sac of residential dwellings into a grassed area and does not affect the wooded area. The indicative site layout shows the front building lines of the properties can follow the current building lines within Dell Close, ensuring that from the entrance of Dell Close views of the trees along the Marton Beck Valley Green Wedge will be achieved.
10. Policy E2 refers to maintaining the physical separation between existing development and the green wedge. Currently to the north of the site the existing properties at Montrose Road, Marlborough Road, Rutland Avenue, Sadler Drive and Hammond Court sit immediately adjacent to the boundary with Marton Beck Valley. The indicative layout ensures there will be a separation distance retained between the proposed development and the Marton Beck Valley, which is larger than currently exists between the existing housing developments to the north. Similarly the proposed dwelling (plot 3) on the southern side of the development can replicate the existing layout of the properties on the southern side of Dell Close with the rear boundary adjoining Fairy Dell Park.
11. Although the proposal will result in the loss of an area of the green wedge, in its current grassed form, it is of limited value and of a differing character to the main section of the green wedge. Furthermore, the proposed indicative layout demonstrates that some open grassed space can be retained and continue to perform a transition from the residential area to the green wedge and thereby not

unduly affecting the character of the green wedge corridor along Marton West Beck/Fairy Dell is maintained.

12. Core Strategy Policy CS20 relates to the open space areas within the Beck Valleys as providing Green Infrastructure links between communities across Middlesbrough. The loss of green space that is considered to contribute to the achievement of the integrated network of green infrastructure will be resisted. The proposal will retain the existing footpath link from Dell Close to the Fairy Dell Park and Marton Beck Valley and is therefore considered to have no significant impact on the existing green infrastructure links.
13. The site is located within the adopted Marton West Neighbourhood Plan (NP) area which encourages new housing to be of a similar density to nearby housing. Policy MW1 of the Neighbourhood Plan comments that development will not be permitted where it would have an adverse effect on the use, management, amenity or enjoyment of the Fairy Dell. Policy MW3 and MW6 comment that development proposals on small unallocated sites will be supported providing the loss of the open space is replaced or improved and the density, design and pattern of the development is appropriate to the current characteristics within Marton West with no highway implications. Policy MW2 of the Marton West Neighbourhood Plan identified small unallocated windfall sites as being a source of land for housing development.
14. The indicative plans show the density, scale and pattern of the development will be similar to the characteristics of the existing houses with the current footpath link to Fairy Dell being improved as part of the development, which would be secured by a future reserved matters application.
15. The site is located within an existing urban area within close proximity of the local centre, public services and transport links which meets the sustainability requirement of Core Strategy Policies CS4 and H1.
16. Whilst a number of objections have been raised relating to the loss of open space / green wedge and the provision of housing generally, in view of the nature of the site relative to the wider green wedge area and taking into account policies referred to above, on balance, given the reduced size of the development, the retention of the open space areas within the development itself and the footpath link provision being retained to the Fairy Dell Park and Marton Valley Beck, it is considered that the proposed development meets the majority of the requirements of Policies E2 and E7 and meets the requirements of CS4, CS5, H1 and DC1.

Highways

17. Dell Close is a private un-adopted road. The indicative plans show adequate space for each dwelling to be provided with a driveway and single garage. Matters of detail such as levels of car parking, the provision of footpaths, bin store collection will be dealt with within the reserved matters process and therefore do not need to be considered as part of this application beyond there being adequate space within the site to achieve these.

18. Vehicular access is currently required by Northumbrian Water to the pumping station located adjacent to the north-west corner of the site. The indicative plans show this vehicular link will be retained.
19. The Highway Engineers have commented that they have no objections to the principle of the development as Dell Close offers suitable width and sight lines to serve the additional dwellings. The refuse collection from the private road is an existing situation for the current occupants. A section 38 agreement for the adoption of the street would be by agreement and if the developer requires the road to remain private then there is no requirement that it should be offered for adoption.
20. Objection comments have been received regarding the increase in traffic, potential visitor parking issues, road safety and the fact the transport statement does not take account of a development site behind Linden Crescent. Whilst these comments are noted, the number of houses is limited to 3 with indicative plans showing individual driveways and garages. In view of these matters, the traffic impacts of the scheme are considered to be particularly limited with adequate provision to accept the additional traffic. For note, the Local Planning Authority has received no application to develop the land behind Linden Crescent and as such would not need to take into account traffic implications of committed development in this location.

Flood Risk and Drainage

21. The application site is located within flood zone 1 (the lowest of the flood zones – 1, 2, 3a and 3b) and is therefore at low risk of tidal and fluvial flooding. A Flood Risk Assessment and Drainage Strategy (January 2019) has been submitted in support of the proposal. The drainage scheme proposes storage cell and control chamber to be provided within the development site to assist in reducing the potential flood risk.
22. A number of objections have been received about drainage / services running through the site although these are mainly technical matters of how appropriate drainage or moving of any existing services would take place. In their own right, they would not form a reason to withhold planning permission.
23. The Lead Local Flood Authority and Northumbrian Water have been consulted and have raised no objections subject to a condition being imposed requiring the recommendations of the Flood Risk Assessment and Drainage Strategy to be implemented and suggestions have been made that an informative be included in relation to the continued right of access to the pumping station at the western edge of the site and notification of potential odours and noise during daily operations from the pumping station.

Ecology and landscaping

24. Established trees are located along the western and southern boundary of the site which form part of the Fairy Dell, with some trees located around the perimeter of the site. To the south of the site is the pond within Fairy Dell.
25. The application is supported by an Arboricultural Assessment (August 2018) detailing the removal of four trees and two small groups of trees which are considered to have low value, with mitigation measures provided for the trees which will be retained

within the site. It is recommended that the mitigation measures will be secured by condition.

26. A preliminary Ecological Appraisal (August 2017) has been submitted in support of the application. Whilst no records were found of any protected species located within the site or the immediate area the report does suggest a bat survey be completed and should clearance works take place outside of the hibernation season (December to February) then an ecologist be present on site to check for Great Crested Newts. This will be secured by condition.
27. In view of the existing condition of land, its relatively small area, and the assessments / mitigation, it is considered that the development will not have an unacceptable impact on ecology or landscaping and therefore adequately accords with the requirements of Local Plan Policy CS4.

Residual matters

28. Comments have been received regarding the design of the development and various amenity issues for residents. With the application being for outline consent only and for the principle of the development, the design and amenity issues would be addressed as part of a future reserved matters application.

Conclusion

29. There are no technical objections from statutory consultees to the proposal in terms of the sustainability of the site or the ability of the site to meet necessary drainage and highway requirements, ecology and mitigation.
30. The proposed outline application has been considered in relation to relevant local and national planning policies. Whilst the development is a technical departure from the local plan in relation to saved Policy EC2 and EC7 as it is development of a section of designated green wedge and open space it is considered that the location of the development site at the edge of the existing cul-de-sac, the retention of areas of green wedge and open space within the development site, the nature and character of the site relative to the remainder of the green wedge and open space and the fact the development will not impact on the existing green infrastructure links, means the majority of the criteria requirements under Policies E2 and E7 have been met and does not relate to any notable harm to the purpose of the green wedge and open space designations. Furthermore, the proposal accords with Policies CS4, CS5, H1, H11 and DC1.

RECOMMENDATIONS AND CONDITIONS

Approve with Conditions

1. Reserved Matters, All Matters Reserved
Details of the means of access, appearance, layout, scale, and landscaping (hereinafter called "the reserved matters") for each property, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development for that property, and shall be carried out as approved.

Reason: To reserve the rights of the Local Planning Authority with regard to these matters.

2. Time Period for Commencement Outline

The development hereby permitted shall be begun not later than:

- a) The expiration of 5 years from the date of this permission; or
- b) The expiration of 2 years from the date of approval of the final reserved matter(s) to be approved, whichever is the later.

Reason: The consent is in outline form only and to protect the rights of the Local Planning Authority.

3. Application for Reserved Matters

An application/s for approval of all the reserved matters, shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Act 2004.

4. Approved Plans Outline

The reserved matters submitted in accordance with condition 1 and details submitted in accordance with any other conditions of this planning permission shall be in broad accordance with the following approved plans and documents:

- a. Site Location plan drawing 00-03 REV B dated 1st April 2019
- b. Proposed site plan drawing D(00)(002) REV E dated 1st April 2019
- c. Flood risk assessment REV A dated January 2019
- d. Drainage Strategy dated January 2019
- e. Arboricultural Impact Assessment dated August 2018
- f. Ecology Appraisal dated August 2017
- g. Transport Statement dated February 2018

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

5. Noise from Pumping Station

Prior to the commencement of development of the site, a BS4142 noise assessment shall be submitted to and approved in writing by the Local Planning Authority. The Noise Assessment shall assess the current noise levels from the existing pumping station and its impact on residential amenity associated with the approved dwellings. The Noise Assessment shall define any necessary mitigation measures to ensure that the tonal noise from the pumping station is inaudible. The development shall be undertaken in accordance with the agreed scheme of mitigation which shall be in place prior to occupation of the approved dwellings.

Reason: To ensure a satisfactory form of development in accordance with the requirements of the NPPF.

6. Tree Protection measures

The development must be carried out in accordance with the mitigation measures detailed in the approved Arboricultural Impact Assessment, dated August 2018, to include an Arboricultural Method Statement and Tree Protection Plan. Any deviations

from the recommendations made in the report shall be submitted to and approved in writing by the Local Planning Authority prior to undertaking relevant works.

Reason: To ensure a satisfactory form of development in accordance with the requirements of the NPPF

7. Ecology Mitigation

The development must be carried out in accordance with the mitigation measures detailed in the approved Preliminary Ecological Appraisal, dated August 2017. Any deviations from the recommendations made in the report shall be submitted to and approved in writing by the Local Planning Authority prior to undertaking relevant works.

Reason: To ensure a satisfactory form of development in accordance with the requirements of the NPPF

8. Waste Audit

Prior to the commencement of development a Waste Audit must be submitted to and approved in writing by the Local Planning authority and thereafter implemented on site. The Waste Audit must identify the amount and type of waste which is expected to be produced by the development during the construction works. The Audit must set out how this waste will be minimised and where it will be managed.

Reason: To ensure a satisfactory form of development in line with principles of waste management detailed in the approved Minerals and Waste Development Plan Document.

9. Details of roads, footpaths and open spaces required

Fully detailed drawings illustrating the design and materials of roads, footpaths (including the footpath link to Fairy Dell Park) and other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction on site. The development shall be undertaken in line with the approved details.

Reason: In the interests of highway safety.

10. Removal of PD Rights for Boundary Treatments

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no fences, gates, walls or other means of enclosure (other than those expressly authorised by this permission) shall be erected within the curtilage of any dwelling forward of any wall of that dwelling which forms the principle elevation.

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

11. Contaminated Land

Prior to the implementation of the development hereby approved a full and competent site investigation, including risk assessment shall be undertaken and submitted to and approved in writing by the Local Planning Authority.

This investigation must identify any contamination present on site, and specify an adequate remediation scheme. The risk assessment and remediation scheme must be approved in writing by the Local Planning Authority prior to the development-taking place and thereafter the development must be undertaken in accordance with the approved scheme. Within 1 month of the remediation scheme being completed

on site, a Validation statement of the remediated site shall be submitted to and approved in writing by the local planning authority prior to further development works taking place on site.

Reason - In the interest of public safety

REASON FOR APPROVAL

The proposed development of land at Dell Close for up to 3 dwellings is considered to be appropriate in both the application site itself and within the surrounding area, although the development is considered to be a departure from Policy EC2 and EC7 it is considered to be in accordance with all other relevant national and local planning policy guidance.

The relevant policies and guidance is contained within the following documents ; -National Planning Policy 2012- Middlesbrough Local Development framework (LDF)- Core Strategy (2008) – Middlesbrough Housing Local Plan, Housing Core Strategy and Housing Development Plan Document (2104).

In particular, the proposal meets the national planning policy framework and guidance regarding housing, sustainable development and efficient use of land. Further detailed information in the form of a reserved matters application is necessary to fully consider the appropriateness of the scale of the development, design, access and layout to ensure the proposed housing development 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. The principle of up to 3 dwellings on this site is considered to be acceptable.

INFORMATIVES

Fee for discharging conditions

Under the Town & Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2010, 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/feecalculator>). 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

Design Guide and Specification

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

Construction Hours

The applicant may if they wish apply for a prior consent under the Control of Pollution Act 1974 Section 61 with regard to hours at the site. The applicant can contact the authorities Environmental Protection service for more details with the hours recommended of between 8-6 Monday to Friday and 8-1 Saturday with no working Sunday or Bank holidays.

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

Northumbrian Water

The development is within close proximity of a sewage pumping station with Northumbrian Water Right of Access along the access road of the development. It should be noted the pumping station can provide noise and odour during daily operations.

Bin collection

The applicant is reminded that with the road being un-adopted the refuse vehicles will not enter a private road and the developer will need to identify the refuse collection point details.

Contact statutory undertakers

The applicant is reminded that they are responsible for contacting the Statutory Undertakers in respect of both the new service to their development and the requirements of the undertakers in respect of their existing apparatus and any protection/diversion work that may be required.

Name and Numbering

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

Case Officer: Debbie Moody

Committee Date: 7th June 2019

