
APPLICATION DETAILS

Application No:	18/0477/OUT
Location:	Prissick Base Ladgate Lane/Marton Avenue Middlesbrough
Proposal:	Outline planning application for upto 72 residential dwellings
Applicant:	MBC Regeneration
Agent:	MBC Design Services
Ward:	Marlon East
Recommendation:	Approve with Conditions

SUMMARY

The application seeks outline consent for the erection of up to 72 residential dwellings with all matters reserved. As a result this report only relates to the principle of the development on this site and will not assess the details relating to access, appearance, scale and layout. These reserved matters would need to be considered by separate applications.

The application site measures 2.9ha, it is part of the Prissick site which has undergone development to form the Middlesbrough Sports Village and various housing developments. The application site is located to the northwest of Marlon Avenue but is accessed from Alan Peacock Way.

Part of the site is allocated for housing development within the Housing Local Plan

Following a consultation exercise 1 objection was received from a local resident, the objections relate primarily to traffic and highway infrastructure, flooding and loss of green space.

The proposed outline application for the development of the site for up to 72 dwellings with all matters reserved, has been considered in relation to relevant local and national planning policies. The development of the site whilst a departure in part from the adopted local plan in relation to Policy H20 as it is a larger site than the allocated site, is compliant with the approved development brief for the site. It is, however, considered that the development is in accordance with all other aspects of Policy H20, and with Policies DC1, CS4, CS5, CS19. The proposal will also aid in the delivery of the requirements of Policies H1, H11 and H31 in relation to the provision of high quality housing to meet the needs of the town.

SITE AND SURROUNDINGS AND PROPOSED WORKS

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1. The application site measures 2.9ha and is part of the Prissick site which has undergone development to form the Middlesbrough Sports Village and various housing developments. The application site is located to the northwest of Marton Avenue but is accessed from Alan Peacock Way.
 2. The site is in a mixed use area, to the north, south and west are areas of open space and leisure uses associated with the sports village. The Middlesbrough to Whitby railway line runs along the eastern boundary and separates the site from an area of open space and housing. To the southeast are residential dwellings on Marton Avenue, to the southwest is an area of open space separating the site from more residential dwellings.
 3. Outline consent with all matters reserved is sought for the erection of up to 72 dwellings on the site. In support of the application the applicant has submitted the following documents:
 - a) Planning Statement;
 - b) Design and Access Statement;
 - c) Air Quality Assessment;
 - d) Flood Risk Assessment and Drainage Strategy;
 - e) Ecological Assessment
 - f) Phase 1 Desk Based Assessment;
 - g) Noise Assessment; and,
 - h) Transport Assessment.

PLANNING HISTORY

4. No relevant planning history.

PLANNING POLICY

5. 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

6. 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).
7. 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

8. 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.
9. 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.
10. The planning policies and key areas of guidance that are relevant to the consideration of the application are:
- H1 - Spatial Strategy
 - H4 - Prissick
 - H11 - Housing Strategy
 - H20 - Prissick
 - H31 - Housing Allocations
 - CS4 - Sustainable Development
 - CS5 - Design
 - CS19 - Road Safety
 - DC1 - General Development
 - E2 - Green Wedges
 - UDSPD - Urban Design SPD
 - HGHDC - Highway Design Guide

Additionally the Council approved in September 2017 Land at Marton Avenue – Informal Planning Guidance to inform and guide development of this site.

11. 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

12. Following a consultation exercise including letters sent to individual residential properties, an advert in the local press and notices posted at the site, one objection was received from a resident and a letter of representation from a community group. The comments are summarised below:

40 The Ladle - Objection

- a) Increase in traffic;
- b) Inadequate access;
- c) Loss of green space;
- d) Increase risk of flooding; and,
- e) Other brownfield sites in town.

Marton Avenue Residents Association - representation neither for nor against

- a) Speed limit on Ladgate Lane should be reduced to 30mph;
- b) Is there potential for a speed camera, this will also provide revenue for the council;
- c) Can construction traffic go through the Prissick site preventing noise pollution and damage to the Avenue;
- d) Marton Avenue should be resurfaced as part of the works;
- e) Traffic calming should be considered;
- f) Residents parking scheme to prevent parking during events; and,
- g) Houses must be in keeping with properties on the Avenue.

Planning Policy - MBC

13. No objection, the development is considered to be in accordance with local and national planning policies detailed above.

Highways - MBC

14. The application has been considered in relation to the access, sustainability, traffic generation and the impact on the local highway network in relation to safety and capacity. No objection subject to relevant conditions and financial contributions from the capital receipt.

Environmental Health - MBC

15. No comment subject to a conditions relating to a site investigation, noise and lighting.

Waste Policy - MBC

16. No objection

Local Flood Authority - MBC

17. No objection subject to a condition relating to surface water drainage.

Education - MBC

18. No comment

Conservation - MBC

19. No comment

Redcar and Cleveland Council

20. No comments to make at this time.

Sport England

21. Subject to a condition requiring the provision of a replacement sports provision prior to the commencement of work Sport England have no objections.

Northern Gas

22. 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.

Northumbrian Water

23. No objection subject to a condition relating to drainage.

Northern Power

24. No response.

Natural England

25. No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.

Secure by Design - Cleveland Police

26. Any future development on this site be to fully accredited Secured By Design Gold standards, if not then as a minimum to Silver standards. Any future developer should make contact with the Police to receive guidance in relation to designing out opportunities for crime and disorder to occur in the future.

27. Consideration should also be given to orientation of dwellings in relation to open spaces, green area and public right of ways. Dwellings should always where possible incorporate these areas into the development at the fronts of properties as opposed to the rear. If they have to be to the rear then serious consideration needs to be given to boundary treatments and appropriate street lighting.

Network Rail

28. With reference to the protection of the railway, Network Rail has no objection in principle to the development subject to relevant conditions and informatives.

Ramblers Association

29. No response

Public Responses

30. Number of original neighbour consultations	255
Total numbers of comments received	2
Total number of objections	1
Total number of support	0
Total number of representations	1

31. Site notice posted – 3rd August 2018

PLANNING CONSIDERATION AND ASSESSMENT

32. This application is an outline planning application for the development of up to 72 dwellings with all matters relating to access, appearance, layout and scale reserved for future submission and consideration. The principle issues to be considered in respect of this application therefore centre upon the appropriateness and sustainability of the site and the impact on the highway network.
33. Consideration can only be given to matters that are material to this application. Those matters which are not material to this application include the design of the dwellings and the availability of other brownfield sites within the town.
34. This application seeks outline consent for up to 72 dwellings. Indicative plans within the Design and Access Statement split the site into two sections, Site A to the north and west is accessed from Alan Peacock Way. Site B is located to the south of the application site, to the north of Marton Avenue. It identifies a number of plots for sale with access from Marton Avenue. Although these plans show some dwellings marked in plots they are only indicative. If approved, full details of the layout and house types will be considered as part of a reserved matters application.

Policy/Principle of Development

35. Through the Spatial Vision of the Core Strategy (2008), the Housing Local Plan (2014) and its Policy H1 there is a need to increase the supply of housing to meet the aspirations of the economically active population, which consolidates and builds upon the success of popular neighbourhoods within the town. Policy H11 also emphasises the need to ensure the quality of life is maintained through protecting the existing high environmental quality of the area and create a sustainable and balanced mix of high quality housing.
36. The application site comprises 2.9ha's of which 2.19ha is allocated for housing in the adopted Housing Local Plan. The western part of the site is 0.71 ha and is designated as Leisure use and Green Wedge.
37. Local Plan Policy H31 allocates the Marton Avenue site for approximately 50 dwellings whilst Policy H20 seeks high quality well designed three and four bedroom detached and semi-detached dwellings for the site.
38. Saved Policy E2 seeks to retain Green Wedges as open space and allows residential development for agriculture or forestry workers only. As such, housing development on the part of the site designated as Green Wedge is contrary to Policy E2 and is a departure from the adopted Development Plan. However, Policy E2 was adopted in August 1999 and is a dated policy not considered to be in conformity with the NPPF. It is considered that little weight can be given to this policy in determining the planning application.
39. The area of land which is green wedge consists of 0.71ha. It is currently open space grassland which is part of the wider Prissick complex and therefore has a leisure use. Development on this area of the land, to the west of the wider site, will allow the majority of the access to the development to be taken from Alan Peacock Way. Without it access would either need to be gained from Marton Avenue which would significantly increase the impact of the development on the residents of Marton Avenue, or a significant number of trees would need to be removed at the north of the site to provide access. It is considered that the loss of a small area of open space

consisting primarily of mowed grassland with little ecological value is more desirable than the loss of trees or increased impact on Marton Avenue residents.

40. The application site ensures that there is still a significant level of open space to the south and west of the site within the green wedge. This ensures the continuation of leisure space and provides a buffer between the development and the nearby residential developments ensuring the separate development sites do not merge and result in the complete loss of green wedge.
41. During the summer of 2017 the Council consulted upon a development brief for the site. This was adopted by the Council as informal planning guidance by the Council in September 2017. This application is in accordance with the provisions of that guidance.
42. In order to ensure that Middlesbrough's development needs can be met in a sustainable manner a full review of the Development Plan is being undertaken. The review has reached the Publication stage. The NPPF advises that relevant policies in emerging plans may be given weight in determining planning applications although as an emerging plan, this is only limited weight.
43. In the Publication Local Plan draft Policy H3 allocates the whole of this application site is for residential development for up to 72 dwellings. Draft policy H3.3 sets out the requirements for the development including the provision of 60 dwellings and 12 self-build plots. The indicative site plan identifies two areas site A and B. Site A measures 2.26 ha and is identified for up to 60 dwellings, site B measures 0.64 ha and is identified for up to 12 individually designed bespoke dwellings. The proposed application meets the requirements of the draft policies in the publication local plan.
44. In view of the adopted policy for the site being out of date and the emerging policy being able to be given only limited weight, consideration has to be taken of national guidance within the NPPF particularly paragraphs 59 and 127.
45. Policy H20 of the Housing Local Plan requires the provision of affordable housing from the site. The policy indicates a requirement of 15% of dwellings to be affordable provided as 5% of the dwellings on site and a 10% off-site contribution. Affordable Housing will be provided by either a 10% contribution from the capital receipt following the sale of the land and 5% on site, or a 15% contribution from the capital receipt. Consideration will be given to the need for affordable housing at the reserved matters stage when looking at the type of housing proposed.
46. It is considered that the proposed development meets the requirements of Policies H1, H11, and H31 in relation to the above matters. Other than the size of site, the proposal is in accordance with the requirements of Policy H20. The proposal is also in accordance with the Councils approved informal planning guidance for the site. There are no objections to the principle of development as proposed.

Environmental Health

47. The authorities Environmental Protection Team have been consulted to consider the application in relation to noise, air quality and site contamination and have not raised any objections. The submitted noise assessment which also examines vibration from the railway line details suitable mitigation options to prevent impact from trains using the line for any properties located to the east of the site. The air quality assessment identifies that the traffic generation from the site will not result in excessive pollution impacting on the local air quality.

48. Further works are required in relation to site contamination as a result a suitable worded condition will be used to ensure any investigations and necessary remediation is carried out prior to the occupation of dwellings.
49. The proposed development accords with the principles of Policies CS4 and DC1 in relation to these matters.

Highways

50. The Housing Local Plan was formally adopted in 2014 following public consultation and examination by the Planning Inspectorate. As part of this exercise the cumulative highway impact of housing development across the Authority's area was considered using a strategic traffic model. The strategic model assessed the cumulative impact of the housing allocations proposed at that time and took into account background traffic growth and future year scenarios.
51. The modelling work identified the need for a package of improvements to the existing highway infrastructure, the implementation of which is being progressed. These infrastructure works will be supported by sustainable travel initiatives to reduce dependence on the private car and promote sustainable travel. As the application site is Council owned a Section 106 Legal Agreement to obtain payment contributions for offsite highway works is not required as all contributions can be taken from the capital receipt from selling the land.
52. The proposed site at Marton Avenue was one of the allocated housing sites and the strategic modelling assessed all uses proposed for this area including (amongst others) the development of the Sports Village, James Cook University Hospital staff car park, and the development now known as Scholars Rise.
53. The Marton Avenue site has been (and will continue to be) managed/developed so as to not prejudice the future delivery of the Longlands to Ladgate Lane Link, one of two new highway infrastructure schemes identified through the strategic modelling exercise.
54. This application seeks approval for the development of up to 72 residential units. The application is in outline format and as such all that is being considered/approval sought for is the principle of development of the scale proposed.
55. Matters of detail such as levels of car parking, the provision of footways/cycleways, design of the internal layout/housing will be covered by future reserved matters applications. Given the nature and scale of development the internal layouts will be designed and constructed to adoptable standards.
56. Access for 64 residential units are proposed to be served from Alan Peacock Way. A priority T junction will enable access to this element of the scheme. The sightlines and geometry of the proposed junction and of Alan Peacock Way meets the relevant guidance and is suitable to serve the level of development proposed.
57. The remaining 8 residential units are to be served from Marton Avenue. The 8 units will be served from an extension of Marton Avenue. It is likely that a turning head will be provided as part of development proposals but this detail will be provided as part of any future detailed planning application for the internal layout. Any issues surrounding speeding currently occurring falls outside of the remit of the determination of the planning application. When considering the anticipated number of vehicular movements, geometry and speed limit on Ladgate Lane the junction of Marton Avenue is considered suitable to serve the small number of additional units proposed to be served from it.

58. There will be no vehicular access between Marton Avenue and Alan Peacock Way.
59. The development is located in close proximity to James Cook University Hospital and as such is at risk of uncontrolled parking from staff and patients needs to be taken into account given it is known to take place elsewhere in the vicinity. Development proposals will therefore be expected to provide a financial contribution from the capital receipt to be used by the authority towards the implementation of a Residents Parking Scheme.
60. The proposed site is in a highly sustainable location which will allow for non-car travel to be a viable alternative. New footways will be provided to link the development into existing infrastructure and through detailed design the internal layouts will provide further permeability.
61. The rail stations at Marton and James Cook University Hospital are within nationally recognised walking distances as are bus stops on Marton Road and Ladgate Lane which serve multiple services. In the vicinity of the site footways and cycle facilities are of a good standard and benefit from street lighting and crossing facilities. Local facilities are also within the aforementioned walking/cycling distances.
62. As set out above a number of surveys have been undertaken to validate assumptions made as part of the traffic modelling exercise. Based upon a survey of the adjacent Scholars Rise development, which is considered to represent a comparable site the proposals can be anticipated to generate in the region of 50 two-way movements during the peak periods. Such a level of traffic generation represents less than 1 vehicle per minute. Furthermore this impact will be spread between the two access points; Alan Peacock Way - circa 45 vehicle movements during the peak periods; and, Marton Avenue - circa 5 vehicle movements during the peak periods
63. The anticipated level of traffic that could be generated by the proposals has been included within an updated Aimsun strategic highway model. The model has indicated that the traffic levels associated with the proposal are acceptable within the context of the NPPF.
64. The NPPF states in paragraph 108:
"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
(c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."
65. Paragraph 109 states:
"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
66. Further consideration and weight must also be given to:
- a) The full highway impact of developments will not be seen straight away. In the intervening period between planning consent being granted and the scheme being completed highway improvement schemes and other interventions will have been implemented which will further reduce any potential vehicular impact.
 - b) The nature of the surrounding highway environment has a number of constraints (land ownership, utilities, trees etc) which mean that the number of traffic lanes/vehicular capacity cannot simply be increased.
 - c) The approach of simply increasing highway capacity must be balanced against other local and national policies, such as the Council's Integrated Transport

Strategy, which seeks to manage the highway network more efficiently by providing viable alternative travel options.

- d) The site is in a highly sustainable location and as such alternative modes of travel are a credible alternative. The provision of further pedestrian, cycle and public transport infrastructure will increase the attractiveness of these forms of travel and assist in further reducing the potential traffic generation of the proposed site.
67. When taking into account the marginal impact on the operation of the highway network and the above considerations, on this site it is considered more appropriate that developer contributions be used towards delivering and enhancing non-car accessibility further which will also provide wider benefits to surrounding residents and the travelling public.
68. The Local Highway Authority have requested a condition requiring secure cycle storage for each dwelling and for that to be retained and only used for cycle storage. It is the planning view that this is not necessary for residential dwellings at outline stage. Residential gardens and property layouts which will be considered at reserved matters stage may provide sufficient space for cycle storage and this does not therefore need to be provided by individual bespoke storage at each property at outline stage. Detailed designs may show ample space for such provision or the ability to achieve this on an individual basis should it be required which is considered to be sufficient in view of current policies on this matter. .
69. Subject to relevant conditions the development is considered to be in accordance with the requirements of the NPPF and local Policies CS19 and DC1.

Flood Risk and Drainage

70. The majority of the site is located within flood zone 1, which is at low risk of tidal and fluvial flooding. The eastern boundary runs parallel to an area of land in flood zone 2 and there is a small section in flood zone 3 where the site connects to the adopted highway. Due to the location of the areas of flood zone 2 and 3 it is possible to ensure that no buildings are erected in these locations in accordance with flood mitigation national policy guidance. The application is supported by a flood risk assessment and drainage strategy. A suitably designed drainage scheme will help to reduce the flood risk throughout the site which is considered to be an appropriate approach to all development.
71. The Lead Local Flood Authority and Northumbrian Water have been consulted and have raised no objections subject to the imposition of conditions in relation to foul and surface water drainage. The proposed development accords with the principles of Policies CS4 and DC1.

Ecology and Landscaping

72. Given the scale of the proposed development there will inevitably be an impact on ecology, the key consideration is whether or not the development as a whole would have an unacceptable adverse impact. The majority of the site is open space green field with mowed grassland, part of the site to the south is existing hardstanding.
73. There are very few trees within the site with only a few scattered ornamental shrubs. There are a number of trees along the north boundary of the site which sit outside the site and east boundaries of the site within the site. The trees in the woodland belt to the north have the potential for bat roosts, however there are no trees or buildings within the site that could be used by roosting bats. No protected species or grassland/foilage has been found at the site. Inevitably with a new development such as this it has the potential to impact on commuting and bats which forage around the

periphery of the site through the installation of streetlights however this impact is considered to be minor/moderate in the ecological assessment. On balance this impact does not warrant the refusal of the application.

74. The ecological assessment details mitigation required to ensure that birds and hedgehogs are not harmed when site clearance is carried out.
75. Natural England have been consulted on the application and have confirmed that they have no objections.
76. It is considered that the development will not have an unacceptable impact on ecology. The development accords with the requirements of Policy CS4.

Sports Provision

77. The application site comprises 2.9ha's of which 2.19ha is allocated for housing in the adopted Housing Local Plan, the remaining 0.71ha is located outside the allocated site on land which is currently playing field.
78. Sport England initially objected to the application due to the loss of the playing field. As a result, and in discussion with Sport England, the applicant has located an area of land within the town to provide replacement playing field. The replacement site is located at the former Southlands Centre site which will be redeveloped following the demolition of the building. The land at the Southlands Centre exceeds the requirements for replacement provision in terms of the size and will be of equal quality to the existing playing field at this application site. The playing field will be established and available for use prior to the commencement of development on this application site. In view of this, it is considered that the proposal would accord with
79. Sport England have confirmed that they no longer object to this application subject to a condition to secure the replacement sports provision prior to the commencement of work on this site.

Other Matters

80. Concern has been raised in respect to speed limits in the area. Requests for changes to speed limits can be made to the Highway Authority separately to the planning process. Notwithstanding this, with regards to concerns raised by a resident surrounding speeding traffic on the section of Ladgate Lane in the vicinity of its junction with Marton Avenue, the Councils Highways team have advised that this location will be added to the list of sites in Middlesbrough that will be targeted for enforcement by the Cleveland Safety Camera Partnership during August. The results of this activity will determine whether regular enforcement action is justified at this location.
81. Vehicle access to the site is likely to be split into two elements of development which may be brought forward on different timescales or by different developers and it is therefore not possible to prevent some construction access taking place from The Avenue. Construction traffic is a short term impact of a development and should adhere to normal requirements for traffic using adopted highways, as such, these aspects are considered to not be a material planning consideration. Notwithstanding this, it is understood that only the smaller part of the site (8 units) would gain construction access from Marton Avenue. The larger portion of the site will be constructed from Alan Peacock Way.
82. As part of the development and construction process the Highway Authority will undertake a dilapidation survey with the developer prior to the commencement of work on site. This will establish the current state of repair of the adjacent highway (including

Marton Avenue). During construction works officers will seek to ensure that the developer keeps the highway clear of mud and other detritus. Should damage be caused to the surface of the highway, which can be attributed to construction activities, then the developer will be instructed to carry out remedial works to the authorities standards and specifications.

Conclusion

83. There are no technical objections to the proposal in terms of the sustainability of the site or the ability to meet necessary drainage and highways requirements, and ecology and noise mitigation.
84. The proposed outline application for the development of the site for up to 72 dwellings with all matters reserved, has been considered in relation to relevant local and national planning policies. The development of the site whilst a departure in part from the adopted local plan in relation to Policy H20 as it is a larger site than the allocated site, is compliant with the approved development brief for the site. It is, however, considered that the development is in accordance with all other aspects of Policy H20, and with Policies DC1, CS4, CS5, CS19. The proposal will also aid in the delivery of the requirements of Policies H1, H11 and H31 in relation to the provision of high quality housing to meet the needs of the town.

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 phase of development, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development for that phase, 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 of each phase hereby permitted shall be begun not later than:
a) The expiration of 7 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 for approval of the reserved matters, for the all phases of the development shall be made to the local planning authority before the expiration of five 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. Phasing

The phasing of the development must be in accordance with a phasing plan to be submitted to and approved in writing by the Local Planning prior to the commencement of development.

Reason: To define the scope of the consent and ensure a satisfactory form of development.

5. Approved Plans Major 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 no. A01;
- b) Planning Statement, dated June 2018;
- c) Design and Access Statement, report no. 02, dated June 2018;
- d) Air Quality Assessment, reference no. 0041552, rev. 00 dated 28th June 2018;
- e) Light Monitoring Location Plan, drawing no. SK-01;
- f) Lighting Assessment, dated October 2017;
- g) Archaeological Desk-based Assessment and Geophysical Survey, reference no. NAA 17/142 dated December 2017;
- h) Ecological Assessment, reference no. BE001055.011 dated October 2017;
- i) Flood Risk Assessment and Drainage Strategy rev. A dated 7th December 2017;
- j) Noise Impact Assessment, reference no. 6899.1A rev. A dated 2nd July 2018;
- k) Phase 1 Desk Study Report, reference no. QD1308 dated 19th June 2017;
- l) Transport Assessment Addendum, reference no. 224125/49, dated 19th May 2017; and,
- m) Southlands Centre, drawing no. VAL 4273 M dated 23rd April 2019.

Reason: To define the scope of the consent and ensure a satisfactory form of development.

6. Removal of PD Rights for Boundary Treatments over 1m at Front of Dwellings

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), over 1 metre in height, 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.

7. Waste Audit

Prior to the commencement of development for each phase 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.

8. Details of roads, footpaths and open spaces required

Fully detailed drawings illustrating the design and materials of roads, footpaths and other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction on site.

Reason: In the interests of highway safety.

9. Full details of vehicular access required
Vehicular access shall be from Alan Peacock Way and Marton Avenue with no vehicular link between these access points. Details of the design of the accesses, together with associated sightlines, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of highway safety

10. 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.

11. Off site works, details required
Prior to the commencement of development details of the following improvement works shall be submitted to and approved in writing by the Local Planning Authority;
- a) Provision of a turning head to the end of Marton Avenue
 - b) Provision of a 3.5m wide pedestrian/cycle route along Alan Peacock Way with a scheme of lighting, linking the internal site infrastructure to the existing facilities at the adjacent roundabout on Alan Peacock Way
 - c) Provision of a crossing point on Alan Peacock Way
 - d) Provision of a 3.5m wide pedestrian/cycle route which links the new crossing point on Alan Peacock Way to the existing footway which runs in a Northerly direction to James Cook Rail Station

No residential unit of the development hereby approved shall be occupied until a mechanism and timetable of works for the aforementioned scheme of works has been submitted to and agreed in writing by the Local Planning Authority, or arrangements entered into which ensure the same. The approved details will thereafter be implemented on site.

Reason: To ensure appropriate access and egress between the proposed development and surrounding local facilities is provided for the convenience of prospective residents and to promote non-car accessibility thereby reducing congestion on the adjacent roads.

12. 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
 - c) where contractors will park

- d) where materials will be stored within the site
- e) measures employed to ensure no mud/detritus is dragged out over the adjacent highway
- f) 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.

13. 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 submitted Flood Risk Assessment and Drainage Strategy rev. A dated 7th December 2017 or an alternative strategy to be agreed in writing with the Local Planning Authority and Lead Local Flood Authority, to the greenfield runoff rate (Qbar) and should be achieved by means of a sustainable drainage system. Details shall include but not be limited to:

- An assessment of existing geology, ground conditions and permeability
- The proposed 'management train'
- The surface water discharge from the development must be limited to a Greenfield run off rate(Qbar)
- Location and type of source control
- Site controls with storage locations
- Conveyance and exceedance routes.
- The measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- A build program and timetable for the provision of the critical surface water drainage infrastructure.
- 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
- Provide a management and maintenance plan for the lifetime of the development

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.

14. NWL Foul Water Drainage

Development shall be implemented in line with the drainage scheme contained within the submitted document entitled Flood Risk Assessment and Drainage Strategy rev. A dated 7th December 2017. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 6201 and ensure that surface water discharges to the existing watercourse. Any deviation from the Flood Risk Assessment and Drainage Strategy must be submitted to and approved in writing by the local planning authority in consultation with NWL prior to the commencement of development. Thereafter the approved scheme must be implemented on site.

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

15. Noise Assessment

The development shall be carried out in accordance with the Noise Impact Assessment, reference no. 6899.1A rev. A dated 2nd July 2018. Any mitigation measures must be retained on site in perpetuity. Any deviations from the recommendations made in the report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwellings hereby approved.

Reason: To ensure a satisfactory form of development and in the interest of the amenity of the residents in accordance with Policy DC1.

16. Validation report

Before the occupation of a dwelling in each phase of the development, validation testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such validation testing shall:

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

Reason: To ensure a satisfactory form of development and in the interest of the amenity of the residents in accordance with Policy DC1.

17. 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 adequate remediation scheme. The risk assessment and remediation scheme must be approved in writing by the Local Planning Authority and thereafter implemented, prior to the development-taking place. Validation of the remediated site shall be provided to the local planning authority in the form of a detailed completion statement confirming that works set out and agreed were completed and that the site is suitable for its intended use.

Reason - In the interest of public safety

18. Lighting Glare

Further on-site studies or computational modelling must be carried out to demonstrate that the glare criterion is achieved on site in accordance with the conclusions section of the approved Lighting Assessment, dated October 2017. Should it be demonstrated that the glare criterion is not achieved details of mitigation measures must be submitted to and approved in writing by the local planning authority prior to the commencement of development. Thereafter the mitigation must be implemented on site prior to the occupation of any dwelling on the site and retained in perpetuity.

Reason: To ensure a satisfactory form of development and in the interest of the amenity of the residents in accordance with Policy DC1.

REASON FOR APPROVAL

The proposed development of land at Alan Peacock Way for housing is considered to be appropriate for both the application site itself and within the surrounding area, although the development is a departure from policy H20 it is considered to be in accordance with other relevant national and local planning policy guidance.

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 Housing Local Plan, Housing Core Strategy and Housing Development Plan Document (2014).

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 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 a development for up to 72 dwellings on this site is 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

Cleaning of highway

The applicant is reminded that it is the responsibility of anybody carrying out building work to ensure that mud, debris or other deleterious material is not deposited from the site onto the highway and, if it is, it shall be cleared by that person.

In the case of mud being deposited on the highway wheel washing facilities should be installed at the exit of the development.

Contact Northern Gas

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

Design Guide and Specification

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

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)

Maintenance of Open Space

The Council will not take on the maintenance of any areas of open space, where boundary fences do not abut the highway they must be within the residential curtilage of a property or managed and maintained by a management company. If within the curtilage of a property residents must be informed that they are responsible for the maintenance of the land

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

Discharge of Surface Water

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

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.

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

NETWORK RAIL

Network Rail Drainage

Water must not be caused to pond on or near railway land either during or after any construction-related activity.

The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.

The construction of soakaways within any lease area is not permitted.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 20m of the Network Rail boundary where these systems are proposed to be below existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 30m of the Network Rail boundary where these systems are proposed to be above existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

If a Network Rail-owned underline structure (such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land.

Wayleaves and or easements for underline drainage assets

The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.

Protection of existing railway drainage assets within a clearance area

There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution.

No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent.

There must be no interfering with existing drainage assets/systems without Network Rail's written permission.

The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact Matthew Shelton (matthew.shelton@networkrail.co.uk) for further information and assistance.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DfT advice issued in 2003, now updated to include risk of incursion from private land/roadways.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as

below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

The method statement will need to be agreed with:

Asset Protection Project Manager
Network Rail (London North Eastern)
Floor 3B
George Stephenson House
Toft Green
York
Y01 6JT
Email: assetprotectionlneem@networkrail.co.uk

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Bridge Strikes

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem, for instance, if large vehicles associated with construction are to be routed under the nearby railway bridge on Ladgate Road which has limited clearance of 14ft. If required there may be a need to fit bridge protection barriers which may be at the developer's expense

Cranes

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

a) Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padius*), Wild Pear (*Pyrs Communis*), Fir Trees - Pines (*Pinus*), Hawthorne (*Cretaegus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata "Zebrina"

b) Not Acceptable:

Acer (*Acer pseudoplatanus*), Aspen - Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var, *betulifolia*), Lombardy Poplar (*Populus nigra* var, *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

A comprehensive list of permitted tree species is available upon request.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

Case Officer: Shelly Pearman

Committee Date: 26th July 2019

