

# **COMMITTEE REPORT**

Item No 3

APPLICATION DETAILS	
Application No:	16/5335/OUT
Location:	Upper Farm Maltby Road Middlesbrough TS8 0AY
Proposal:	Outline application for the erection of 3no dwellings and associated works
Applicant:	Lowcock Properties Ltd
Agent:	Mr Steven Longstaff
Ward:	Stainton And Thornton
Recommendation:	Approved with Conditions

#### SUMMARY

This application seeks outline consent for the erection of 3 residential dwellings and associated works on a site that currently consists of agricultural buildings.

Following a consultation exercise objections were received from 5 local properties, objections were also received from the Community Council and the Parish Council.

It is considered that the proposed development will not result in a significant detrimental impact on the amenity of any nearby residents. The development will see the removal of damaged, unsightly buildings and their replacement with a high quality development which is sensitive to its surroundings that will integrate well into the agricultural setting and will improve the visual amenity of the area in accordance with Local Plan Policies H1, H11, DC1, CS4 and CS5. It is also considered that the conflict with saved Local Plan policies E20, E22 and E24 is outweighed by the benefits detailed above.

#### SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site consists of agricultural buildings and associated hardstanding. The site is located to the north of Maltby Road in Thornton. To the north, south and west of the site are open fields. Adjacent to the site to the east is a residential dwelling which has been converted from outbuildings associated with the farm house which sits further to the west. Located to the south east of the site is Thornton Village.

A public right of way runs along the access road for approximately 100m.

This application seeks outline consent with some matters reserved, for the erection of 3 residential dwellings and associated works. Matters to be considered include the principle of development and the access to the development via the existing access road to Maltby Road.

In support of the application a Planning Statement and a Bat Roost Potential and Nocturnal Bat Survey were submitted.

#### PLANNING HISTORY

No relevant planning history.

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

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

The following documents together comprise the Development Plan for Middlesbrough;

Middlesbrough Local Plan;

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

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

- Being plan led;
- Enhancing and improving areas;
- Proactively drive and support sustainable economic development to deliver homes, business, industry and infrastructure and a thriving local economy;

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

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

- E20 Limit to Urban Development
- E22 New Housing in Countryside
- E24 Conversion/Reuse of Rural Building
- H1 Spatial Strategy
- H11 Housing Strategy
- DC1 General Development
- CS4 Sustainable Development
- CS5 Design

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

Consultations have been sent to statutory consultees, local residents, Ward Councillors, the Community Council and the Parish Council. The application was advertised in the local press and notices placed on site.

During the application process the site boundary was revised to exclude the existing mast and public right of way from the site and to increase the width of the access road. As a result a second consultation exercise was carried out. Consultee responses are as follows:

MBC - Planning Policy - no objection

<u>MBC - Environmental Health</u> - no objection subject to a condition for a site investigation and details of foul sewage disposal.

<u>MBC - Highways</u> - no objection subject to conditions relating to the requirement for a passing point on the access road, the construction compound, sustainable and surface water drainage.

<u>MBC - Refuse</u> - no objection subject to the requirement for bins to be brought to the adopted highway for collection.

<u>Northern Gas</u> - no objection, promoter of works to contact northern gas directly to discuss requirements in detail.

<u>Ramblers Association</u> - objected to original scheme as public right of way passed through the site. The site boundaries have now been revised placing the public right of way outside the site of the residential curtilages of the proposed development. However the public right of way also runs along the access road. As a result the Ramblers Association has expressed concern about walkers sharing the access road with construction vehicles.

Northern Powergrid - no response received

Stainton and Thornton Parish Council - Objects

- a) Affect local ecology
- b) Conflict with local plan
- c) Inadequate access
- d) Inadequate public transport provisions
- e) Not enough info given on application
- f) Over development
- g) Increase in traffic
- h) The land is agricultural and has not been designated for development.
- i) The land owners owns a lot of land adjacent to the site. If approved more applications would ensure resulting in planning by stealth.
- j) The dwellings are not within the footprint of the existing buildings resulting in overdevelopment.
- k) Services such as gas, electric and sewage would be a problem, and access for refuse vehicles.
- The site is located beyond the limit of development and is contrary to policies E20, E22 and E24.
- m) Stainton and Thornton do not have a shop and no buses operate through the villages
- n) If the proposal should go ahead under permitted development then no more than 3 dwellings is allowed, the curtilage should be immediately beside or around the development and should be no larger than the land occupied by the agricultural building.

#### Stainton & Thornton Community Council - Objects

- a) Affect local ecology
- b) Conflict with Local Plan the land is agricultural land and has not been designated by the Council as a potential site on which to build
- c) If approved further applications would ensure resulting in planning by stealth.
- d) Inadequate access
- e) Inadequate public transport provisions
- f) Not enough info given on application
- g) Over development the footprint of the buildings to be removed is significantly smaller than the proposed dwellings
- h) Services such as sewage, gas and electricity would also be a problem, to say nothing of access for refuse and recycling vehicles.
- i) Increased traffic onto Maltby Road on a dangerous corner

Following the consultation exercise 5 objections were received from local properties, these are summarised below:

- a) Affect local ecology
- b) Appearance
- c) Close to adjoining properties
- d) Development too high

- e) General dislike of proposal
- f) Increase in traffic
- g) Inadequate dangerous access.
- h) Loss of privacy to adjacent properties
- i) Out of keeping with character of area, detract from the visual amenity
- j) The site is at an elevated position and will be widely visible and incongruous from the existing farmstead.
- k) Over development
- I) The access to the site would compromise the free flow of traffic and safety on Malby Road.
- m) The documents state that the farm buildings are redundant but they are constantly used for storing fodder and the cows and calves have access to them in the summer.
- n) Conflict with local plan policies E7, E20, E22, H1, CS4 and CS5.
- o) The site is Greenfield Land.
- p) The site can be seen from a public footpath.
- q) Enough housing land has been allocated in Middlesbrough.
- r) The existing facilities in Thornton are virtually non-existent except for a pub.
- s) Inadequate public transport provisions The bus stops referred to do not have any services and the one in Stainton is economically unsustainable and regularly stopped by the bus companies.
- t) The site is totally isolated from other developments.
- u) This is the second application on this land and obviously won't be the last, this site will join up with the Rose Cottage development.
- v) Not unduly concerned about the construction of 3 dwellings at Upper Farm but am concerned that acceptance may lead to further housing on that site.
- w) A significant amount of work has gone into the conversion of the adjacent buildings some of which are 300 years old using specialist craftsman, materials and traditional skills retaining and restoring original features. The conversion of the premises was a finalist for 'The Best Change of a Building or Conversion' at the Northern Regional level of the Local Authority Building Control Awards. I would not have invested the time, emotion and money without the assurance from the LPA publications that there were no plans for development of the surrounding area for at least 15 years.
- x) 3 new builds would fundamentally change every aspect of the original farmstead.
- y) Public right of way runs along the track, any increase in vehicles will render it unsafe for pedestrians.
- z) No justification for the demolition of structurally sound buildings capable of being converted under class Q Permitted Development, which also prohibits the demolition of agricultural buildings and restricts development to the original footprint of the buildings.
- aa) The proposed buildings are not within the footprint of the existing buildings as stated.
- bb) There are no mains drainage and the Environment Agency will not permit septic tanks in this location.
- cc) Claims that the site is in close proximity to the Rose Cottage Phase 3 site which is misleading, it is in a separate village over two fields away within the limits of development. The application site is isolated.
- dd) The proposed development is based on obtaining maximum commercial value for the site.

The comments were received from the following properties:

- a) Upper Farm, Maltby Road
- b) The Granary, Upper Farm
- c) 9 Strait Lane
- d) 16 Maltby Road
- e) 27 Maltby Road

Full copies of the comments received are available on request.

#### **Public Responses**

Number of original neighbour consultations 3Total numbers of comments received9Total number of objections9Total number of support0Total number of representations0

## PLANNING CONSIDERATION AND ASSESSMENT

- 1. The application is for outline consent with all matters reserved except access. As a result the focus of this report is on the principle of the erection of 3 residential dwellings on the site and the suitability of the access with the matters of layout, scale, appearance and landscaping being 'reserved matters' which would have to be considered by a further application submission were this outline application to be approved.
- 2. Although the layout of the development is a reserved matter, during the application process Planning Officers required the illustrative layout to be revised to demonstrate that the development would be located more within the footprint of the existing buildings on the site which is considered to be vital to assessing the principle of the development.

#### **Principle of development**

- 3. The site is located beyond the Limit to Development. Saved Local Plan policies E20, E22 and E24 strictly control development in this location. The policies only allow residential development where it is for agricultural workers and essential for the efficient functioning of agriculture. The proposed dwellings are therefore a departure from the Local Plan in this regard.
- 4. The National Planning Policy Framework (NPPF) however, advocates a presumption in favour of sustainable development and highlights the importance of good high quality design. Additionally, the NPPF (para. 50) emphasises the "need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities."
- 5. Housing Local Plan Policy H1 requires windfall developments (proposals not allocated for development within the local plan) to be located within the urban area where they are accessible to the community they serve and to satisfy the requirements for sustainable development and this proposal would arguably be a departure from this policy although would in part accord with Housing Local Plan Policy H1 in that it will contribute to the achievement of the spatial vision and objectives for the town. Policy H11 also supports the need to increase the supply of housing to meet the aspirations of the economically active population and provide a wider range of housing types including higher value dwellings.
- 6. Permitted development rights have been granted by government which allow for agricultural buildings to be converted to dwelling houses in certain instances. This allowance allows for conversions and for works reasonably required to undertake the conversions to be permitted development and therefore not require a separate planning permission. This proposal would exceed the nature of works referred to within the permitted development allowances in that, this would be a complete demolition of the buildings and a new development of 3 properties. Notwithstanding

these matters, the application site is within particular close proximity to the settlement of Thornton Village and Stainton Village where there is ongoing residential development works allocated housing sites and Phase 3 of the Rose Cottage Site which has recently been granted planning permission.

- 7. Given the surrounding developments and the proximity of the site to Thornton, this application site, whilst out-with the settlement boundaries for the borough, is arguably, not within the open countryside and is arguably, closely related to existing and future, approved, housing to a degree which is considered to weigh in favour of this scheme.
- 8. The original scheme was considered to not integrate well with the existing farmhouse and converted outbuildings. A more sensitive design layout was requested which would improve the visual amenity of the locality and be in keeping with the agricultural setting. The subsequent scheme replaces three proposed detached dwellings in large plots with a building which will appear like a group of converted farm buildings and this is considered to be an important factor in achieving a development suitable for this locality. The layout will enable the development to take on the form of a converted outbuilding to the original farmhouse and the reduced site prevents the residential curtilage encroaching into the wider agricultural area.

#### Highways

- 9. The proposed development will be served by the existing, private access road, which is approximately 120 metres in length. Although the width of this access road (an average of 4.35 metres) is sufficient for two cars to pass, it is not wide enough to allow a car to pass a larger vehicle such as an HGV without one or both vehicles encroaching onto the verge.
- 10. Given the above, a passing place must be provided approximately halfway along the access road. This passing place should have a minimum width of 4.8 metres and must be long enough to permit a car and an HGV to pass each other without the need for either to encroach onto the verge.
- 11. Whilst the access to the proposed development is located on a 90 degree bend close to the village boundary, Maltby Road is subject to a 20 mph speed limit and the presence of the bend acts as an effective traffic calming measure, ensuring that actual vehicle speeds are close to the limit in force. In addition, the fact that the access is located on the outside of the bend means that visibility in both directions for drivers joining Maltby Road is good.
- 12. Forward visibility on Maltby Road for drivers approaching the access to the development from Thornton village is restricted due to the presence of the 90 degree bend. However, forward visibility at the point where drivers turn right into the access is not unduly compromised by the bend. Consequently, the Local Highways Authority are satisfied that drivers entering and leaving the proposed development will be able to do so safely.
- 13. The number of dwellings that can be accessed from a private road is limited to 5. There are 2 existing dwellings served from the access road, if approved the proposed development will bring the number of dwellings to the guideline maximum within the Design Guide and Specification: Residential and Industrial Estates Development.
- 14. If approved, the proposed development will be required to meet the parking standards for residential dwellings at the reserved matters stage and it is considered that there is ample space to achieve this at the site

## **Design and Visual Amenity**

- 15. The adjacent dwelling is a converted farm building, parts of which are 300 years old, it includes outbuildings located to the northeast of the application site. The conversion of this property has been carried out to a very high standard. The conversion and extensions are sensitive to the original buildings and the agricultural setting. The current agricultural buildings on the site are of poor quality and in some places are dilapidated.
- 16. If this outline application is approved, the design of the dwellings will be considered at the reserved matters stage. It is the planning view that a new build development can be controlled to ensure that the design is of a high quality which is sensitive to the surrounding area and would improve and enhance the setting, removing the existing harm to the visual amenity. The dwellings must take design cues from the agricultural settings and the materials must be representative of an agricultural building giving the appearance of an agricultural conversion.
- 17. The scale and mass of the buildings will be considered at the reserved matters stage. The dwellings must also be designed to ensure that they do not have an overbearing impact on the existing dwellings.
- 18. As a result it is the planning view that the proposed development is in accordance with policies DC1 and CS5.

#### Privacy

19. The revised indicative layout of the dwellings as a row of terraced properties with the front elevations facing the open space to the south and the rear elevations facing the open space to the north, will allow the windows to be located so that there is no direct overlooking of windows on the existing adjacent property. This will ensure the privacy of the existing residents can be retained and would not be unduly compromised in a scheme coming forward at reserved matters stage.

#### **Sustainability**

- 20. A number of residents have raised concerns regarding the lack of facilities and bus services in Thornton. Although there is no regular bus service or other notable provisions for day to day living and that this would place a reliance on future residents to use the private car for the majority of their requirements, in this instance, the provision of three additional dwellings and the associated vehicles in this location would have only a minimal impact in relation to undermining sustainable development principles.
- 21. The proposed development will make efficient re-use of the land for residential purposes removing dilapidated buildings and in part off-setting the existing use or the potential for future use of the agricultural buildings which would in itself generate traffic movements within the area. The proposed dwellings will offer high quality dwellings in a unique surrounding adding to the variety of dwellings on offer in the town.
- 22. The site is brownfield with the development taking place where buildings or hardstanding currently exist. The Bat survey has been considered and found only limited foraging bat activity associated with the building complex. As a result the development will not have a detrimental impact on wildlife and biodiversity of the surrounding area.

23. It is the planning view that the proposed development is a sustainable development in accordance with police CS4.

# Conclusion

24. Whilst the principle of development is contrary to local policies H1,E20, E22 and E24, it is considered that given the locational nature of this site in respect to the village and approved and allocated housing sites, and the ability to undertake a particularly small scale of development which has the ability to replace dilapidated agricultural buildings, these maters outweigh the policy of restraint. It is considered that the proposed development will not result in a significant detrimental impact on the amenity of any nearby residents. The development will see the removal of damaged, unsightly buildings and their replacement with a high quality development which is sensitive to its surroundings, it will be able to integrate well into the agricultural setting and will improve the visual amenity of the area in accordance with Local Plan Policies, DC1, CS4 and CS5.

# **RECOMMENDATIONS AND CONDITIONS**

## **Approved with Conditions**

1. An application for approval of the reserved matters (other than a minor modification of reserved matters already approved) shall be made to the local planning authority before the expiration of three years from the date of this permission. Any application for minor modifications of reserved matters already approved shall be made either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the reserved matters (excluding any minor modification thereof) whichever is the later.

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

2. Approved Plans

The development hereby approved shall be carried out in complete accordance with the plans and specifications detailed below and shall relate to no other plans:

- a) Application Form, received 7th November 2016;
- b) Illustrative Layout, drawing no. 1635/SK/001D;
- c) Site Location Plan, drawing no. 1365/SK002B;
- d) Planning Statement, rev. 1 dated 10th October 2016; and,
- e) Bat Roost Potential and Nocturnal Bat Survey, reference no. 16-0653.01.

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

3. Reserved Matters

Approval of the details of the siting, design and external appearance of the development, the car parking layout, the method of drainage, the land surface contours and the landscaping of the site, shall be obtained from the local planning authority before development commences.

Reason: To reserve the rights of the local planning authority with regard to these matters.

4. Sample of materials

Prior to the commencement of development samples of the materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

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

5. Temporary Car Parking

A plan showing the location of temporary car parking to accommodate operatives and construction vehicles during the development of the site and measures to protect any existing footpaths and verges shall be submitted to and approved in writing by the local planning authority and implemented upon commencement of construction and thereafter such parking is to be removed on completion of works Reason: In the interests of amenity and highway safety

6. Sustainable Drainage

Before the construction of the buildings hereby approved commences, a scheme for a Sustainable Drainage System (SuDS), which shall sustainably drain surface water, minimise pollution and manage the impact on water quality, shall be submitted to and approved in writing by the Local Planning Authority and thereafter any approved scheme shall be fully implemented in line with the agreed programme of works to the satisfaction of the Local Planning Authority. The greenfield run off rate will be 5l/s.

Reason: In the interests of a sustainable development

7. Removal of Permitted Development Rights

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no buildings shall be erected (other than those expressly authorised by this permission) within the curtilage of the residential dwellinghouse hereby permitted without the specific written consent of the Local Planning Authority.

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

8. Removal of Permitted Development Rights

Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or any order revoking or re-enacting that Order), no alterations, enlargement or extension shall be made to the external elevations of the residential dwellinghouse hereby permitted, including any additions or alterations to the roof, without the specific written consent of the Local Planning Authority.

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

9. Refuse Collection

Prior to the occupation of the dwellings hereby approved, a refuse collection point for wheelie bins adjacent to the adopted highway, must be completed on site. The refuse collection point must accommodate two wheelie bins per dwelling hereby approved.

Reason: To prevent blockage of the access road and public highway, and to ensure a satisfactory form of development.

10. Access Road Passing Place

Prior to the commencement of development hereby approved, full details and specifications of a vehicle passing place must be submitted to and approved in writing by the Local Planning Authority. The passing place must be provided approximately halfway along the access road, have a minimum width of 4.8m, and be long enough to allow a car and a HGV to pass without encroaching onto the verge.

Reason: To prevent blockage of the access road and public highway, and to ensure a satisfactory form of development.

11. Foul Sewage

The development hereby approved, shall not be occupied until works for the disposal of sewage have been provided on the site to serve the residential dwellings, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Environment Agency.

Reason: to ensure a satisfactory form of development.

12. Site Investigation

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

Reason: To ensure a satisfactory form of development.

# **REASON FOR APPROVAL**

Although the principle of development is contrary to policy, there are material planning considerations which outweigh the policy of restraint for development in this locations. This application is satisfactory in that the erection of 3 no. dwelling accords with the principles of the National Planning Policy Framework (NPPF) and local policy requirements (Policies DC1, CS4 and CS5 of the Council's Development Plan).

In particular, the principle of the erection of 3 no. dwelling will not have a detrimental impact on the general amenities of any adjoining or nearby property. The erection of 3 no. dwellinghouse will not prejudice the appearance or the agricultural character of the local area and it does not significantly affect any landscaping nor prevent adequate and safe access to the site.

The application is therefore considered to be an acceptable form of development, fully in accordance with the relevant policy guidance and there are no material considerations, which would indicate that the development should be refused.

## INFORMATIVES

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/feecalc. Please be aware that where there is more than one condition a multiple fee may apply.

Demolition requires notification under Section 80 of the Building Act 1984 prior to any work commencing on site.

A public path exists across the site, discussion is required with the Highway Authority (Tel: 01642 728156) to ensure that the line of the path is not interfered with.

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

Measures must be taken to protect existing footpaths and verges being damaged by site vehicles.

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

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

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

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

It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction then early discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so as to mitigate the effect of the obstruction to the general public

The applicant 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.

Case Officer: Shelly Pearman Committee Date: 31st March 2017

