
APPLICATION DETAILS

Application No:	M/FPL/0822/15/P
Location:	Stainton Grange, Stainton Way, Middlesbrough, TS8 9DF
Proposal:	Listed building and planning for erection of 3no dwellings with boundary treatments on former car park
Applicant:	Mr P Kahlon, Stainton Grange
Agent:	Total Planning Services
Ward:	Stainton and Thornton
Recommendation:	Refuse

SUMMARY

Planning permission was sought in 2015 for the erection of 3 dwellings on land associated with Stainton Grange, a Grade II* listed building in the south of the town. The application was submitted and considered on the basis of it achieving 'enabling development' which would provide funds for the owner to then re-invest into the renovation and structural stabilising of Stainton Grange. The principle of new dwellings on the site was contrary to policy, however, enabling development to support heritage assets can be a material planning consideration. Although initially recommended by officers for refusal, the application was approved by committee subject to a S106 Agreement being signed to ensure the enabling works to the listed building were undertaken.

It is the expectation of the Local Planning Authority that, where enabling development is approved, in a location where development would otherwise be refused, there needs to be a clear understanding as to what enabling works would take place to the listed building and that permission exists for those works so that there are no barriers to them being undertaken. This prevents ambiguity and prevents the enabling development being undertaken and no renovation / structural repairs being achieved to the heritage asset.

Officers have worked with the applicant and agent in an attempt to gain adequate information to support the signing of the S106 Agreement. However, limited information has been forthcoming and after a long stalled period, the applicant has now confirmed an intention to submit a new application for an alternative proposal, albeit of a similar nature. That leaves this application in an undetermined position without the S106 Agreement that was a requirement of the decision that committee previously made in 2016. In this instance, the development is considered to be contrary to the previous decision, and contrary to policy without the S106 Agreement and the application is being brought back before committee with a recommendation to refuse.

It is important that this report be read in conjunction with the two earlier reports to committee in relation to this proposal, as appended and as dated March and July 2016 as these provide a wider context to what is essentially an update report to the previous committee decision.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is located in the southern part of Middlesbrough, off Stainton Way. The former farmhouse has historically been surrounded by farmland although residential development and the new Police Hub has, over recent years edged closer to the site.

The property (former offices and previously a farmhouse) is a listed building (Grade II*), is set within a defined curtilage, having garden and landscaping to the front and outbuildings and other structures to the rear. A former car park (application site) lies outside of what would be considered to be the front garden boundary for the property.

Stainton Grange is currently in residential use and has not been used for offices for several years.

The application seeks listed building consent and planning permission for the erection of 3 dwellings and associated boundary treatments, hardsurfacing and other works on the former car park area.

PLANNING HISTORY

17/0318/LBC

Listed building consent for internal and external alterations including demolition of existing orangery
Pending Consideration

M/FP/0266/08/P

Formation of new car park with temporary footpath
Approved March 2008

M/FP/1274/14/P

Change of use from offices (B1) to residential dwelling (C3)
Approved February 2015

This application was put to committee on the 4th March 2016 with a recommendation to refuse due to it being outside the limits of development and the proposed dwellings affecting the setting of the listed 'Stainton Grange' which took into account Historic England advising against the council supporting the proposal. However, following the site visit, the planning committee indicated they were minded to support the application although required further actions. Planning Committee requested that the advisor from Historic England visit the site and re-consider the comments made as the initial comments made were not based on a site visit. Historic England visited the site although still advised against the scheme being approved. The application was taken back to committee in July 2016 and members overturned the officer recommendation, in that they resolved to approve the development subject to a legal agreement being entered into to ensure funds from the development of the dwellings went back to support the renovation of the listed building. No such legal agreement has been forthcoming and the applicant is now advising that they do not intend to proceed with the 3 dwellings as proposed but instead intend to pursue an alternative scheme which would need to be considered under a new application.

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

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

Middlesbrough Local Plan

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

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

National Planning Policy Framework

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

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

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

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

Policy H1 – Spatial Strategy
Policy H11 – Housing Strategy
Policy H31 – Housing Allocations
Policy CS4 – Sustainable Development
Policy CS5 – Design
Policy DC1 – General Development

Saved Local Plan Policies

Policy E20 – Limit to Urban Development

Policy E22 – New Housing in the Countryside beyond the Limit to Development

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

Refer to previous reports (appendices)

PLANNING CONSIDERATION AND ASSESSMENT

This application was initially taken to planning committee with a recommendation to refuse, however, members considered, against the advice from Historic England, that the enabling benefits that could be achieved for the Listed Building in terms of restoration and structural stabilisation etc. were sufficient to outweigh the impact of new residential development in this location (impact on setting of listed building and being outside of defined limits of development). As part of the initial decision by committee on this application, the applicant was required to enter into a legal agreement to define the works that would be required and how they would be undertaken and unfortunately the applicant has not been forthcoming with a legal agreement that satisfactorily demonstrates precisely what works would be achieved to the Listed Building, notwithstanding officers working with the applicant and agent and the application being held open for this to be undertaken for in excess of 3 years.

It is considered inappropriate to retain the application in an undetermined state any further. Discussions on the matter have stalled for over 12 months whilst confirmation by officers of the application being listed for re-consideration by committee has resulted in the applicant confirming they do not intend to build out the scheme that committee 'approved subject to the legal agreement'. In this instance, it is therefore appropriate to bring the application back to planning committee to finally determine the application, to be considered as it currently stands, which is, with no legal agreement.

It is considered important to re-consider the key aspects of the proposed scheme given the period of time since the application was considered by committee previously to ensure due consideration of material planning considerations at the time of making the decision although the initial committee reports remain key considerations.

Principle of development outside of defined limits of development

The application site lies outside of the Limits for Development as defined within the saved 1999 Local Plan. Although this is a dated policy, the council has a deliverable 5 year supply of housing and there are no aspects of the more recent National Planning Policy Framework which would suggest this policy should not be given due weight in decision making.

The principle of this proposal for 3 dwellings is therefore contrary to Local Plan Policy E20 & E22. In the interests of preserving heritage assets, there is scope for allowing development which does not comply with policy where there is a heritage based argument which outweighs the impact of the proposed development. In this instance and with no S106 Agreement having been signed, there is no heritage / public benefit that would ensure works to the listed building would be achieved by allowing this application and as such, no material considerations which would outweigh the policies currently in place.

Impact of Proposed Development on Listed Building

There is no legal agreement in place to secure improvement and / or repair works to Stainton Grange as a Listed Building and as such, no weight can be attributed to this in reaching a decision.

Stainton Grange is a Grade II* Listed Building. The listing details the appearance and design of the building but does not cover the specific significance of the building, although this is an important aspect to understand when considering the potential for the proposed development to impact the listed structure / setting. The significance of the building is considered however to derive partly from the buildings age and design and partly from its surroundings, the latter of which has diminished in more recent times with more modern development taking place.

At the time of the initial considerations, Historic England considered, in respect to the surroundings in which the heritage asset is experienced, and therefore the impact on its setting, that;

- *the allocated large scale housing development will change the wider context of the Grange but not the immediate experience of its relationship with its garden or the adjoining road and this intimate experience contributes more to the significance of the listed building as a historic farmhouse that is now much altered in its landscape context.*
- *It is the principle of development in this location which is the salient issue here but the design influence of the proposed bungalows being perceived as lodges to the main house, pushes the concept too far. Historically lodges are generally single buildings, much more detached from the main house and often not associated with buildings of this status. In comparison, this proposal appears as a small modern housing development.*

Based on the advice of Historic England as a consultee it is accepted that the historic farmhouse which is of a relatively modest scale, requires its immediate setting to be retained to not undermine part of its remaining significance. Providing 3 dwellings to the front of the building arguably takes up a prominent position relative to the listed building and there is no reasonable visual link between the proposed bungalows and the listed Stainton Grange in terms of former structures or concept of what could be conceived as former structures. As such, the proposed bungalows are considered to have a detrimental impact on the setting of Stainton Grange, and thereby its relative significance, contrary to both Local Plan Policies DC1 and CS5 as well as guidance contained within the National Planning Policy Framework.

An argument made at the time of the initial submission was that the building of the bungalows will fund the repair and therefore the longer term viability of the listed building. Historic England have a specific way of considering the conservation deficit of a heritage asset and therefore whether or not there is need for enabling works. However, Historic

England indicate that costs of repair should always be deducted from market value / purchase prices when properties are sold. This allows the financial abilities of the owner and the purchase price to be removed from considerations and therefore allows consideration of the financial problems of the building rather than the owner. Historic England, considered, based on the structural report submitted, that the building was not 'at risk' as defined by Historic England's register of Heritage at Risk, suggesting that this may suggest that a conservation deficit therefore does not exist for the building. Historic England strongly advised against accepting the argument that the additional houses would support the long term viability of the house and noted that adding houses in the curtilage, could arguably reduce the value of the property and therefore have a negative affect on the buildings long term viability.

In view of these matters, officers previously recommended that the application be refused. That was overturned by members subject to a S106 Agreement to ensure monies from the proposed dwellings went to providing repairs for the listed building. No S106 Agreement has been forthcoming and in bringing this matter before committee, officers are not seeking to alter their initial advice or recommendation.

Sustainability of proposal

The site is located on the opposite side of Stainton Way to the main urban area of Coulby Newham in south Middlesbrough and is considered to be reasonably linked to public transport, retail, education and leisure uses

Highway related matters

Adequate parking and turning within the site is generally considered to be acceptable without placing undue burden the adjacent adopted highway and in view of the relatively limited number of properties, it remains to be considered that there are no notable impacts on the freeflow of traffic as a result of the additional traffic associated with the proposed dwellings.

Design, layout and appearance

The arrangement of the proposed bungalows is considered to be generally acceptable, having private garden areas, reasonable privacy and amenity. The design and grouping of the bungalows, is not particularly sympathetic to the adjacent listed building and development of the site would arguably harm the setting of the listed building which is contrary to both Local Plan Policy and the National Planning Policy Framework.

RECOMMENDATIONS AND CONDITIONS

This recommendation takes into account the earlier planning committee decision to support the scheme subject to a S106 Agreement relating to enabling development.

Refuse for the following reasons:

Reason 1 – Harm to setting of a Heritage Asset

In the opinion of the Local Planning Authority the proposed development, due to its design, scale and position, would cause significant harm to the setting of an important heritage asset (Stainton Grange) in conflict with Local Plan Policy DC1 (test b), Local Plan Policy CS5 (tests a, c and i) and the National Planning Policy Framework with no overriding benefit to the longevity of the heritage asset or other material planning considerations which would outweigh this consideration.

Reason 2 – Outside of the defined Limits of Development

The proposed dwellings are located out-with the 'Limits of Development' as defined on the Local Plan Proposals Map, contrary to saved Local Plan Policies E20 & E22 and Policies H1 and H31 of the Housing Local Plan and there are no mitigating material planning considerations which would outweigh this conflict with established policy.

Case Officer: Andrew Glossop

Committee Date: 6th March 2020

Appendix 1: Committee report March 2016

Appendix 2: Committee report July 2016

