

PLANNING & DEVELOPMENT COMMITTEE

LIST A
ITEM NO: 1

APPLICATION NO: M/FPL/0822/15/P

DESCRIPTION: Listed building and planning for erection of 3no dwellings with boundary treatments on former car park

LOCATION: Stainton Grange Stainton Way Middlesbrough

APPLICANT: Mr P Kahlon

SUBMITTED BY: Mr Fahim Farooqui

REPORT:

LOCATION:

1. The applicant property is located to the south of Stainton Way, to the south east of the junction with Farthingale Way.

PLAN STATUS:

2. Middlesbrough Local Development Framework 2008

Policy H1 - Spatial Strategy

Policy H11 - Housing Strategy

H31 - Housing Allocations

Policy CS4 - Sustainable Development

Policy CS5 - Design

Policy DC1 - General Development

Saved Local Plan Policies 1999

E20 - Limit to Urban Development

E22 - New Housing in Countryside Beyond the Limit to Development

RELEVANT PLANNING HISTORY:

3. M/FP/0266/08/P - formation of car park with footpath, approved conditionally 31/03/08

M/FP/1274/14/P - change of use from offices to residential, approved conditionally 04/02/15

M/LBC/0814/15/P - listed building consent for internal and external alterations, approved conditionally 18/08/15

PROPOSAL:

4. Permission is sought to erect 3no two-storey dwellings on the car park area to the north east of the Stainton Grange plot, adjacent to the driveway into the site. The proposed

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dwelling would include 2 no four bed dwellings of 300sqm in floor space and 1 no three bed dwelling of 214sqm.

CONSULTATIONS:

5. After a neighbourhood consultation exercise 8 no letters of support were received from residents, the comments received are summarised below:

4 St John's Close

- Would not have a negative impact and would be better than housing approved at Stainton House;
- Inconsistent approach by the Council;
- Questions the conduct of officers, suggesting misuse of their authority;
- Proposals are sensitively designed;
- Owner has been victimised;
- Profits would be spent on Stainton Grange;
- Developments have been approved elsewhere.

11 Marsden Close

- Development on the neighbouring site would have more impact;
- Money could be used to improve the listed building.

55 Gilkes Street

- Proposals will financially support the applicant;
- Hemlington Grange would have more harm to the setting;
- Can't understand why other developments have been approved.

16 Ravensdale

- Does not appear overdevelopment;
- Is in keeping with the listed building;
- Will financially support applicant.

3 Marton Avenue

- Proposals fit in well;
- Financial support for the building;
- There will be tree screening;
- Offers public benefit as building is in need of repair;
- Development has been approved at Hemlington Grange.

Whimsey Nook, Stainton Way

- Would prefer this density of housing;
- Council has approved development at Acklam Hall;
- Proposed development is better than Stainton House;
- No impact on road infrastructure;
- In keeping with the character of Stainton Grange;
- Policies need to be applied fairly.

64 Earlsdon Avenue

- Proposals fit in well;
- Financial support for the building;

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- There will be tree screening;
- Offers public benefit as building is in need of repair;
- Need for consistency in approving applications.

53 St Cuthbert Avenue

- Proposals would remove existing car park;
- Will raise money to renovate Stainton Grange;
- Houses are in keeping with the setting of the listed building;
- Hemlington Grange development is not in keeping with Stainton Grange.

The following technical responses were received during the consultation period:

Urban Policy - Objects
Conservation Officer - Objects
Regeneration - No comments
Highways - No objections
Community Protection - No objections
Waste Policy - No comments
Historic England - Objects
Northern Gas Networks - No objections
Northumbrian Water - No objections
Environment Agency - No comments

ANALYSIS:

6. Stainton Grange has, until recently, been used as offices; however permission has since been granted to change the use of the building back to residential use, which is the building's original purpose. Listed building consent has also been granted for alterations in association with this.

7. The property is a Grade II* listed farmhouse from the early to mid-18th Century with 19th Century extensions to the rear. As a Grade II* listed building, Stainton Grange is of national historic and special architectural interest, being within the top 8% of all listed buildings in England. It is also notable that just 1% of listed buildings in Middlesbrough are Grade II* Listed.

8. The status of the building derives not only from the quality of the architecture, but also the garden setting, which denotes its status. Originally this would have had an open aspect but some 20th Century tree planting now partially screens the house from the main road with glimpses of the property becoming visible as visitors enter along the long driveway.

9. The area of the plot to the east of the tree planting has most recently been used as an overflow carpark from the previous office use of the building. It has latterly been allowed to fall into disrepair due to a lack of maintenance or use. It is this area on which it is proposed to erect 3 no dwellings.

10. There is currently one access into the site from the private drive off Stainton Way; this serves the drive to the property as well as the car park area. It is proposed to form a new access from the private drive into the development site and erect a new boundary

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enclosure to separate this from the drive into Stainton Grange itself. It is also proposed to increase tree planting between Stainton Grange and the proposed houses to act as a form of screening.

11. The first property would sit alongside the host driveway; it would be a detached three bedroom dwelling including a master bedroom suite with dressing room and en suite. There would be rooms in the roof space, served by 2no dormer windows to front and 2no to the rear. The property would include an attached single garage to side and space to park 2no cars to the front.

12. The two properties to the south of the site would sit alongside one another and mirror each other in terms of design, although the internal layout would differ slightly. These properties would be four bedrooomed, including a master bedroom suite with dressing room and en suite; these properties would be of a standard two storey design, albeit with rooms in the roof space over the attached double garage served by a dormer to front and to the rear. In addition to the double garage there would be 2no parking spaces on the drive area for each of these properties.

13. There is a 14m separation between the proposed side elevation of plot one and the front elevation of plot two, this meets the minimum requirement, while there are no other properties in close enough proximity to be impacted by the proposed layout in terms of privacy. The design of the proposed dwellings is not necessarily of a poor quality as such, it is however a suburban design and does not therefore relate well to the listed building which is befitting of a rural setting and as such the design is not appropriate in this location

14. Historic England advise that the suggestion in the application that the proposals represent a 'lodge' style subservient to the main house, is pushed too far as a concept. A lodge would historically have been a single small scale building, much more detached from the main building but in any case not often associated with a building of this status. This development is a small modern housing development by comparison.

15. The NPPF defines setting as the surroundings in which a heritage asset is experienced; it also determines that the significance of an asset can be detrimentally affected by inappropriate development within its setting. The proposed dwellings would be the first impression any visitors to the site would have as they travel down the drive to the house, interrupting the impression of a rural property of high status.

16. The original layout of the plot would not have included the tree planting or the hard standing area to the east; it is arguable that it would be preferable in conservation terms to return the land to be part of the garden, including the removal of the existing trees. Increasing tree planting and building on the land would irreversibly prevent this part of the site once again becoming part of the garden to the main house.

17. Historic England consider the proposed development to be harmful to the significance of Stainton Grange due to the long term negative implications for the building's setting and that this cannot be outweighed as there would be no public benefit from private dwellings. It has been suggested the gardens of the property could be used for community events; however there appears to be no reason why the houses would be needed in order to allow this to happen.

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18. The application asserts that the development is necessary to fund restoration of the listed building, however only limited evidence of the condition of the building has been provided with little assessment of the cost of these works, evidence that alternative means to fund the works have been pursued, or an analysis of the likely profits from the proposed development and how they would be reinvested in the property.

19. In order to best assess public benefit there needs to be an understanding of the conservation deficit - i.e. the negative financial figure that results when the costs of repair are deducted from the market value of a property. Understanding this figure allows a judgement to be made of the problems of the building and not the circumstances of the owner or the purchase price paid for the property as overcoming these issues offer either no or greatly reduced public benefit. As these details have not been provided it would suggest a conservation deficit does not exist.

20. In addition to this, there are no mechanisms available to the Council as part of this application that would secure such funds to be retained solely for reinvestment in the listed building or that any sort of public access would be provided to a privately owned dwelling. The Council cannot therefore guarantee the money would be spent for public benefit and it cannot be considered as enabling development.

21. The evidence submitted as part of this application and previous requests for pre-application advice from as early as 2011, indicate that while some works are certainly required, the building is not in a state of severe disrepair and would be habitable in its current state. The building is not therefore considered to be at risk. That the existing car parking area has been allowed to deteriorate is also not a reason to allow development as this area could be improved without erecting dwellings.

22. It is the opinion of Historic England that the submitted structural report does not demonstrate that the building could be considered at risk and they strongly advise against the argument that additional houses will support the long term viability of the house.

23. Council officers have engaged in substantial discussions about the proposals both at pre-application stage and during the time the application has been under consideration, working with the applicant to address the concerns of both the Council and Historic England. As part of that process additional comments have been provided by the agent to rebut the objection from Historic England.

24. Essentially those comments reflect a difference of opinion as to the merits of the application and the approach of Historic England but broadly reiterate the supporting planning statements submitted with the application and do not provide any new evidence or material considerations that would warrant a change in position. Historic England has been re-consulted but did not wish to add greatly to their original objection other than to reiterate their position is unchanged. The same is true of the Council's Conservation Officer.

23. The site lies beyond the limit to development and as such, saved policies E20 and E22 from the Local Plan apply. These policies restrict residential development in this location to dwellings for agricultural or forestry workers. Although these policies are somewhat out of date, the limit to development is still identified on the up to date proposals map and the application site falls beyond it.

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24. Housing Local Plan (HLP) Policy H1 (Spatial Strategy) identifies a need for 6,970 net additional dwellings to be built between 2012 and 2029 and identifies strategic sites for housing, including Hemlington Grange to the east of the application site. The policy advises that proposals outside of these locations, including windfall developments, will need to be sited within the urban area, which this site is not.

25. HLP Policy H31 (Housing Allocations) sets out strategic and non-strategic housing allocations to deliver 6,683 dwellings. These allocations plus extant planning permissions are sufficient to meet the housing needs of the Borough up to 2029. In addition, the Council currently has a seven year supply of deliverable housing sites. The proposed three dwellings are not therefore required to meet the housing needs of the Borough or assist in achieving a five year supply of deliverable housing.

26. As part of the application, a number of other developments have been identified that the applicant believes are comparable with this proposal as examples of the same kind of development which the Council has approved. These examples do not directly compare with this application, while some relate to sites beyond the limit to development and some relate to listed buildings, others are sites near a listed building but not within its curtilage, or relate to locally listed buildings not statutorily listed buildings.

27. In particular, reference is made to Hemlington Grange, which is development proposed for the site to the east of the application site. This land is within the limit to development and is allocated for development within the Council's development plan. Although close to Stainton Grange, it is not within its curtilage and cannot be said to have the same impact as something within the garden of the listed building itself.

28. Historic England note, while Hemlington Grange would affect the wider context, it would not alter 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 than its now much altered landscape context.

29. Attention is also drawn to Acklam Hall, although of the higher Grade I Listed status permission is in place for a number of developments within the grounds, including dwellings. It is not possible to go into the specific details of that site in this report due to its substantial complexities; however suffice to say Acklam Hall is unique and in that particular context the significant restoration required to secure the future of the building justified the developments that were approved and the site is within the urban area.

30. None of the suggested examples consist of development within the curtilage of a Grade II* Listed Building that is beyond the limit to development, but notwithstanding that, every application must be determined on its own particular merits and what may be possible in one circumstance will not have an influence over what is acceptable elsewhere. The implication that any sort of precedent has been set is untrue and irrelevant in determining this application.

CONCLUSIONS:

31. This application seeks consent to erect 3no dwellings within the curtilage of Stainton Grange, a Grade II* Listed farmhouse. The building and its ground are of special architectural and historic importance nationally but also represents a particularly rare

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example of this sort of property in Middlesbrough. Building dwellings within the grounds would undoubtedly affect the setting of the building, it is the view of Council officers and Historic England that this impact would be significantly detrimental and there are no material mitigating factors to justify that harm.

32. The site is also located beyond the limit to development, local policies therefore restrict residential development to properties required for agricultural or forestry workers, which this development does not comply with. The Council has allocated strategic housing sites which, along with extant permissions, provide sufficient housing supply and as such these dwellings are not required and are in contradiction with policy.

OFFICER'S RECOMMENDATION:

Refuse

CONDITION(S) / REASON(S):

- 1 The proposed development by reason of its location within the curtilage of a Grade II* Listed Building, would cause significant harm to the setting of an important heritage asset in conflict with test b of Policy DC1 and tests a, c and i of Policy CS5 of the Local Development Framework and requirements of the NPPF to conserve heritage assets.
- 2 The application proposes new dwellings beyond the limit to development, on a site that is not allocated for housing and the dwellings are not required to meet the housing needs of the Borough generally or for the purposes of an individual employed in agriculture or forestry. The development therefore conflicts with saved Policies E20 and E22 of the Local Plan and Policies H1 and H31 of the Housing Local Plan.

Committee Date: 4th March 2016

Originator: Laura Chambers

Contact Officer: Mr E Vickers