

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. This application was considered by the Planning and Development Committee at their meeting of 04/03/16, the outcome being that Members were minded to endorse the proposals, subject to additional information and a site visit being requested from Historic England. That site visit was duly carried out and further comments have been submitted by Historic England. The previous officer report is attached as an appendix to this follow up report for information purposes.

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

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ANALYSIS:

6. The proposed development was previously recommended for refusal by officers due to objections from the Council's Planning Policy team, Conservation Officer and Historic England due to the impact of the proposals on the setting of the listed building and that the dwellings would be on a site not allocated for housing and beyond the limit to development within the Local Plan.

7. Members saw the potential benefits of investment in Stainton Grange itself if dwellings were built as a significant factor in favour of the application and sought further clarification from Historic England about whether they would call the application in to the Secretary of State if the Council were minded to approve the application.

8. A site visit with a Principal Inspector from Historic England was carried out on 24/05/16, following which the Council have received confirmation that the proposals would generate harm to the setting of the listed building however that harm is not considered to be major, and therefore if that harm can be justified by public benefit from securing funding to renovate the house, Historic England would not take the matter further if the application were approved.

9. There are limited options open to the Council for an application of this nature to secure funding from the proposed development as there is currently limited information available to robustly assess the Conservation Deficit and likely level of income to be generated by the new development. Advice from the Council's legal advisor is that a section 106 agreement should be negotiated if Members are minded to approve to secure spending of the money generated on the listed building.

10. There remain material planning issues that could warrant refusal of the application, however if after considering these alongside the potential benefits Members are of the view that planning permission should be granted, they can do so without the decision being called in by a statutory consultee. In that circumstance it would be recommended that the conditions outlined below be attached to any approval, including restrictions on permitted development rights as requested by Historic England.

OFFICER'S RECOMMENDATION:

Subject to 106 Agreement,
approve conditionally

CONDITION(S) / REASON(S):

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

- * Application form, submitted 26/10/15,
- * Proposed Site Plan, revision A, submitted 09/10/15,
- * House Plans, drawing number TPS001, submitted 29/06/15,
- * Condition Report, prepared by Billingham George & Partners, submitted 09/10/15,
- * Planning and Heritage Statement (Revision), submitted 09/10/15.

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

- 2 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

- 3 The development shall only be carried out using finishing materials of which samples have been submitted to and approved by the local planning authority prior to commencement of the development.

Reason: To ensure the use of satisfactory materials.

- 4 The development hereby approved shall be built in accordance with secure by design principles, the details of which shall be submitted as a scheme and approved in writing by the local planning authority and the development shall be carried out wholly in accordance with the agreed scheme before occupation commences.

Reason: To ensure a satisfactory form of development

- 5 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or any order revoking or re-enacting that Order), no alterations or additions shall be made to the external elevations, including the roof slopes of the dwellinghouse(s) hereby approved without the specific written consent of the local planning authority. This shall include the installation of microgeneration equipment and flues.

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

- 6 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 windows/dormer windows (other than those expressly authorised by this permission) shall be constructed.

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

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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) 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no fences, gates or walls shall be erected within the curtilage of any residential dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road or forms a principle elevation without the specific written consent of the Local Planning Authority.

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

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no fences, gates or walls approved under this permission shall be demolished, removed, painted or altered in any way without the specific written consent of the Local Planning Authority.

Reason: In order that the Local Planning Authority may protect the visual amenities of the area.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no freestanding microgeneration equipment shall be erected within the curtilage of any dwellinghouse without the specific written consent of the Local planning Authority.

Reason: In order that the Local Planning Authority may protect the visual amenities of the area.

- 11 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

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- 12 Before development commences the details of the SuDS measures to be used on site must be submitted to and approved in writing by the Local Planning Authority and thereafter installed to their satisfaction.

Reason: In the interest of sustainable drainage

- 13 The windows in the residential properties hereby approved shall be sufficient to ensure that habitable rooms are protected to less than 35dB(A) L10 (18 hours). Internal noise levels must be obtainable while ventilation to habitable rooms meets the requirements of the Building Regulations 2000 (as amended). Windows and any associated ventilation equipment shall be of a design to be agreed in writing with the Local Planning Authority and therefore installed in accordance with the approved details prior to occupation.

Reason: In the interests of the amenity of future occupiers.

- 14 **REASON FOR APPROVAL**

This application is satisfactory in that the design of the erection of 3no dwellings with boundary treatments accords with the principles of the National Planning Policy Framework (NPPF) and local policy requirements (Policy DC1 and CS5 of the Council's Development Plan.

In particular, the erection of 3no dwellings with boundary treatments are designed so that their appearance is complementary to the surrounding area and so that they will not have a detrimental impact on the amenity of any adjoining or nearby property. The erection of 3no dwellings with boundary treatments will not prejudice the appearance of the area and do not significantly affect any landscaping nor prevent adequate and safe access.

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

Committee Date: 20th June 2016

Originator: Laura Chambers

Contact Officer: Mr E Vickers