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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>20/0132/FUL</b>
<b>Location:</b>	<b>5 Bridlewoods Middlesbrough TS8 9GJ</b>
<b>Proposal:</b>	<b>Erection of 1no dwelling and erection of boundary treatments and entrance gates</b>
<b>Applicant:</b> <b>Company Name:</b>	<b>Mr Kevin Conway</b>
<b>Agent:</b> <b>Company Name:</b>	<b>A J Riley Architects A J Riley Architects</b>
<b>Ward:</b>	<b>Marton West</b>
<b>Recommendation:</b>	<b>Approve with Conditions</b>

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**SUMMARY**

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Permission is sought for the erection of a dwelling with associated garage and boundary treatments. Outline consent has previously been granted for 5 plots on the wider site, however the outline application has now lapsed. As a result this application is a full plans application for plot 5 of the wider site.

Following a consultation exercise two objections have been received from a Ward Councillor who gave no details as to the reason for the objection and a community council who object to the access on to Brass Castle Lane.

The development is contrary to local planning policies as the site is located outside the limits of development. However it is located to the rear of the wider plot, will not be overly visible from the highway and will complete the four plots to the north of the wider site with the three previously approved currently under construction. It is considered that the proposed dwelling is of high quality design in an attractive setting with an appropriate layout and scale. The dwelling has been designed in a way that reduces its visual appearance from the streetscene and is in keeping with the rural setting. The development will not result in any significant detrimental impact to the amenities of adjacent residents. The landscape scheme, boundary treatments, design and materials are in keeping with the area and the use of a sedum roof results in the dwelling being absorbed into the landscaped setting.

The recommendation is for approval of the application subject to conditions.

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**SITE AND SURROUNDINGS AND PROPOSED WORKS**

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The application site is a plot within a wider site which had outline consent for 5 no. dwellings, 3 of which were approved through reserved matters applications. The wider site is located on the east side of Brass Castle Lane. The site wraps around the north, east and south of an existing dwelling (Green Willows). To the west is Middlesbrough Golf Club, to the north and east is a large tree belt which separates the site from the approved Grey Towers residential development and the Ford Close Riding allocated housing site.

The site is located in a rural area of the town with scattered residential dwellings and farm buildings. The residential areas are characterised by large dwellings in large plots set in from Brass Castle Lane in landscaped settings with a mix of materials and design details in keeping with the rural setting. Middlesbrough Golf Club buildings and car park are located adjacent to the highway further along Brass Castle Lane to the south.

Plot 5 is located to the south of the wider site adjacent to the existing access road. To the south of Green Willows. The access road runs to the east of the site leading to the north of the site where the approved cluster of dwellings are located. Permission is sought for the erection of a detached dwelling incorporating two floors at a lower level ground level to the adjacent road, set into the landscaped setting with a low level mono-pitch sedum roof and boundary treatments.

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## **PLANNING HISTORY**

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M/OUT/0079/15/P Outline application for 5no detached dwellings with associated access  
Refused 13th April 2015  
Allowed at Appeal 10th September 2015

17/0566/DIS Discharge of conditions 5, 6, 7, 8 and 9 of previously approved planning application M/OUT/0079/15/P  
Full Discharge Conditions 8th November 2017

17/0894/RES Reserved matters application for the erection of 1no dwelling, Plot 3  
Bridlewoods  
Approved with Conditions 8th October 2018

17/0893/RES Reserved matters application for the erection of 1no dwelling, Plot 2  
Bridlewoods  
Approved with Conditions 8th October 2018

18/0066/RES Reserved matters application for the erection of 1no dwelling, Plot 4  
Bridlewoods  
Approved with Conditions 8th October 2018

18/0601/VAR Variation of condition 2 of application M/OUT/0079/15/P to extend time for submission of reserved matters and to allow for phased development.  
Approved with Conditions 5th October 2018

20/0138/FUL Erection of 1no dwelling and erection of boundary treatments and entrance gates, Plot 1 Bridlewoods  
Refused 14<sup>th</sup> July 2020

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## **PLANNING POLICY**

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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:

H1 - Spatial Strategy  
H11 - Housing Strategy  
MWC4 - Safeguarding Minerals  
CS4 - Sustainable Development  
CS5 - Design  
DC1 - General Development  
E20 - Limit to Urban Development  
E22 - New Housing in Countryside  
MW2 - Housing Allocations  
MW3 - Small Unallocated Sites  
MW6 - Design  
MW8 - Design to Reduce Surface Water Run-off  
MW10 - Parking  
UDSPD - Urban Design SPD

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>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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Following a consultation exercise including letters to residents and a site notice, no comments were received from residents.

### Planning Policy - MBC

The proposed development is a departure from the Development Plan. The principle of residential development is contrary to Policies H1, E20 and E22. In determining the application this departure should be balanced against the expired outline planning permission previously granted, that previously established the principle of residential development. The development is in accordance with the Marton West Neighbourhood plan.

### Highways - MBC

No objections the proposals are in accordance with the previously approved consent. There are no issues in relation to access, egress, visibility. The access road has previously been approved for 5 dwellings.

### Local Flood Authority - MBC

No comment

### Waste Policy - MBC

Residents will be required to present their refuse and recycling at the nearest public highway, Brass Castle Lane and return their receptacles to their property after collection.

### Environmental Health - MBC

No objection

### Secured by Design - Cleveland Police

No concerns

### Northern Gas

No objections, 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

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

Northern Powergrid

No response

Nunthorpe Community Council

No response

Nunthorpe Parish Council

No response

Councillor Chris Hobson

Objects, reasons given.

Marton West Community Council

Following the meeting on 12th March, it was a unanimous decision that I write, as Secretary, to object to the plans for the erection of both of these dwellings. The Community Council raised objections to the original planning application for the development of this site because of its position, access and egress to Brass Castle Lane.

That same objection still applies - it is a dangerous corner on a narrow country road, with three dwellings already on the Bridlewoods site. Any further traffic from the site will increase the danger to other road users.

We also consider that two further dwellings will be an over-development of this inappropriate site.

**Public Responses**

Number of original neighbour consultations	8
Total numbers of comments received	0
Total number of objections	0
Total number of support	0
Total number of representations	0

Site notice posted –  
19th May 2020

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**PLANNING CONSIDERATION AND ASSESSMENT**

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1. The application before Members is a full plans application for the erection of one dwelling with associated garage and boundary treatments. The issues to be considered in respect of this application relate to the principle of development, the design, scale and layout, access, parking provision and landscaping.
2. During the application process, following officer comments, significant changes were made to the proposed dwelling reducing its scale, changing the design and appearance and reducing its visual impact. The revised details are the subject of this report.

Principle of Development

3. The application site forms one plot of a larger site that was granted outline planning permission on appeal for 5 dwellings in 2015. A variation to the outline application was later approved in 2018. Therefore the principle of a residential dwelling on the application site was established in 2015 and reconfirmed in 2018. The outline consent has only recently lapsed and therefore it is considered that the principle of a residential dwelling on this site is still afforded some weight in planning policy terms.
4. The application site is located beyond the Limits to Urban Development and is within the minerals safeguarding area for salt.
5. Policy H1 identifies strategic locations for housing development and advises that proposals outside of these locations will need to be sited within the urban area. The application site is not within the urban area so the proposed development is contrary to Policy H1 however it is within an ongoing development site.
6. Policies E20 and E22 seek to protect the countryside by strictly controlling new development. The policies only allow new housing development that is essential for the efficient functioning of agriculture or forestry. The proposed development is contrary to Policies E20 and E22.
7. Policy MWC4 advises that non-minerals development will only be permitted in minerals safeguarding areas where development would not sterilise or prejudice future extraction of the mineral resource. Salt is a deep mineral that could be extracted underground. As a result there is no conflict with Policy MWC4.
8. Policy H11 identifies the South Middlesbrough strategic area for new housing to meet aspirational needs and seeks to protect the existing high environmental quality of the area. The application site is out with - but adjacent to - the South Middlesbrough strategic area. The proposed dwelling would provide an expensive dwelling aimed at the aspirational end of the market.
9. The site is within the Marton West Neighbourhood Plan area. Policy MW2 acknowledges that in Marton West, in addition to allocated housing sites, housing development will also be carried out on small unallocated windfall sites. Policy MW3 sets out criteria for the development of small unallocated sites. This includes that the location, scale, density and pattern of development is appropriate. Policy MW6 sets out further design guidance, which includes that development should reflect and enhance the character of the area in terms of its scale, massing, proportion, form and materials. These matters will be discussed further on in this report.
10. The proposed development is a departure from the Development Plan. The principle of residential development is contrary to Policies H1, E20 and E22. In determining the application this departure should be balanced against the outline planning permission previously granted which still holds significant weight and has previously established the principle of residential development on this site.

### Highways

11. Access to the site and the impact on the local highway network in relation to capacity and safety was considered as part of the outline consent, whilst Members refused the application on highways grounds the Local Highway Authority raised no objections. The Planning Inspectorate allowed the application on appeal and raised no issues in relation to the access to the site for five large dwellings. The application has been considered by the Local Highway Authority who confirmed that the proposed development is in accordance with the previously approved consent and no objections have been raised.

12. The proposed dwelling has five bedrooms resulting in a need for three in curtilage parking spaces. The dwelling includes a triple garage and large drive which provides ample parking provision and room to manoeuvre vehicles far exceeding the highways parking requirements.
13. Policy CS4 requires all development to contribute to achieving sustainable development principles. This includes criterion g, being located so that services are accessible on foot, bicycle, or by public transport and reducing reliance on the private car. There are no pedestrian footpaths or street lighting along Brass Castle Lane to access the nearest bus services. Future occupiers would rely on the private car, the least sustainable mode of transport and would increase the number of unsustainable journeys. However the previous consents on the site initially approved by the Planning Inspectorate accepted the location of the site for housing.
14. It is considered that the application is in accordance with the requirements of policy DC1 and the Highways Design Guide. Whilst objections have been received on highways grounds for the reasons detailed above it is considered that there are no highways grounds for refusal of the development.

#### Design/Streetscene

15. The proposed dwelling is a bespoke building designed over two levels to assimilate with the significant changes in ground levels across the site with the ground levels dropping towards the east and northeast of the site. The site sits on a lower level to the adjacent highway (Brass Castle Lane).
16. The dwelling has been designed to be low level and to sit below the road and the boundary treatment which consists of a low stone wall with a hedge behind it which is common place in rural areas and in keeping with the approved boundary treatment for the rest of the site where it abuts the highway. The only element which will be visible above the boundary treatment is a small section of the stone rear elevation and the low pitched roof which will be a sedum planted roof which will appear as part of the landscaped setting. The guttering is concealed within the dwelling so it does not detract from the visual appearance. When viewed from the public highway the dwelling will have a rural appearance and will not be larger in scale than a agricultural building but will be softer in appearance due to the sedum roof.
17. Internally within the site large glass windows are broken up with stone, render and cladding details. The materials proposed reflect those approved within the wider site houses including stone and anthracite openings. However the use of the sedum roof is bespoke to this site to ensure it does not detract from the visual amenity of the area and is one of a kind in the town. Whilst green walls have been used on the side of some larger scale commercial/educational buildings in the area it has not been used on residential buildings. The sedum roof not only provides an attractive building in terms of its appearance but it also provides enhancements to the site in ecology terms and from a sustainability perspective. The dwelling presents a design which is both contemporary whilst acknowledging the rural location of the site.
18. Since the approval of the outline consent an application for dwellings at the Middlesbrough Golf Club further along Brass Castle Lane, was refused and the decision was upheld at Appeal. In making the decision the Planning Inspectorate stated:  
  
"I consider that a housing development in this location would impact on the visual amenity of the locality and would therefore detract from the character and appearance of the surrounding area."

19. This plot is located adjacent to the boundary with Brass Castle Lane. However as detailed above the design and use of materials is such that it will not detract from the character and appearance of the area. Paragraph 131 of the NPPF “great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.” It is the planning view that the proposed dwellings does lift the standard of design in this area and the town as a whole and fits in with the surroundings.
20. It is considered that the proposed dwelling is of a high quality bespoke design which is in keeping with the rural setting and will provide an attractive streetscene both internally and from the adjacent public highway and provides enhancements to the site in terms of ecology and sustainability in accordance with the requirements of Policies DC1, CS5, MW3, MW6, the Urban Design SPD and the NPPF.

#### Flood Risk

21. The drainage for the plot has been approved under the discharge of the conditions on the wider site which catered for all five of the plots. The Local Flood Authority and Northumbrian Water have been consulted and raised no issues and made no request for conditions.
22. The development is considered to be in accordance with the requirements of policy CS4.

#### Amenity

23. The site is located to over 70m south of Green Willows and is separated by an area of trees and hedges. The access road for the ongoing development on the wider site wraps round the east of Green Willows to the other approved dwellings. Due to the location of the dwelling on the site and the separation distances, the dwelling will not have any impact on the amenities of the closest residential dwellings. To the east, south and west is open space and woodland. The dwelling is designed so its rooms face east into the application site and do not overlook other properties or the public highway.
24. It is considered that the proposed dwelling will not result in a significant detrimental impact on the amenities of neighbouring residents in accordance with the requirements of policy DC1 and the Urban Design SPD.

#### Conclusion

25. Whilst it is noted that the site no longer benefits from outline consent and is a departure from the local plan, the previous permission has only recently lapsed and therefore is afforded some weight which must be taken into consideration.
26. There are no highways objections to the scheme with the access already being approved.
27. The proposed dwelling has been designed to appear as a low level agricultural building from the public highway. The bespoke design and use of a sedum roof assimilate the dwelling into the rural area and landscape setting and significantly reduce its appearance. The proposed roof also enhances the sustainability of the dwelling and provides opportunities for ecology. It is considered that the dwelling will have little impact on the visual amenity of the area when viewed from the public highway and will not harm the character and appearance of the area.



28. On balance, given the previous consent on the site and the position of the dwelling, this application is considered to be an acceptable form of development in accordance with policies DC1, CS5, MW3, MW6, the Urban Design SPD and the principles of the NPPF.

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## RECOMMENDATIONS AND CONDITIONS

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### Approve with Conditions

1. Time Limit

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.

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) Title Plan, Plot 5, reference no. AJR19:49-200
- b) Proposed Site Block Plan, reference no. AJR19:60-04 received 30th June 2020;
- c) Floor Plans and Site Section, reference no. AJR19:60-01 received 30th June 2020;
- d) Proposed Elevations, reference no. AJR19:60-02 received 30th June 2020; and,
- e) Street Scene View From Brass Castle Lane, reference no. AJR19:60:03 received 30th June 2020.

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

3. Materials

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 appropriate materials in the interests of the visual amenities of the area having regard for policies DC1, CS4 and CS5 of the Local Plan and section 12 of the NPPF.

4. Sedum Roof

Prior to the commencement of construction of the roof, full details of the sedum roof including planting schedule, management and maintenance scheme, must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the approved details and the sedum roof retained on site in perpetuity.

Reason: To ensure a satisfactory form of development in accordance with the requirements of policy DC1 and CS5 of the Local Plan and section 12 of the NPPF.

## **REASON FOR APPROVAL**

This application is satisfactory in that the design of the proposed dwelling accords with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraph 38 of the NPPF (2018). In addition the dwelling accords with the local policy requirements (Policies DC1, CS5, MW3, MW6, the Urban Design SPD of the Council's Local Development Framework).

In particular the dwelling is designed so that its appearance is complementary to the rural setting and so that it will not have a detrimental impact on the amenity of any adjoining or nearby resident. The dwelling will not prejudice the appearance of the area and 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.

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## **INFORMATIVES**

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### **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/feecalc>. 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.

### **Street Name and Numbering**

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.

### **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.

#### Cleaning the 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.

Case Officer: Shelly Pearman

Committee Date:

# Appendix 1: Site Location Plan



Appendix 2: Previously Approved Site Location

