

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on Friday 4 December 2020.

PRESENT: Councillors J Hobson (Chair), D Coupe (Vice-Chair), D Branson, C Dodds, L Garvey, J Platt, J Rostron and G Wilson

ALSO IN ATTENDANCE: C Hobson (Executive Member for Finance and Governance), A Moseley, S Natkus and J Zigmond

OFFICERS: C Lunn, G Moore, P Clarke, A Glossop, D Johnson, E Loughran, S Thompson and S Pearman

APOLOGIES FOR ABSENCE: Councillors M Nugent and J Thompson

20/22 **DECLARATIONS OF INTEREST**

Name of Member	Type of Interest	Item/Nature of Interest
Councillor D Branson	Non-Pecuniary	Agenda Item 5, Item 1, advocate for crossing on Brass Castle Lane adjacent to application site.
Councillor J Hobson	Non-Pecuniary	Agenda Item 5, Item 1, Ward Councillor
Councillor G Wilson	Non-Pecuniary	Agenda Item 7, planning appeal for 42 Cinderwood, Ward Councillor

20/23 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 6 NOVEMBER 2020**

The minutes of the previous meeting of the Planning and Development Committee, held on 6 November 2020, were submitted and approved as a correct record.

20/24 **SCHEDULE OF REMAINING PLANNING APPLICATIONS TO BE CONSIDERED BY COMMITTEE**

The Head of Planning submitted plans deposited as applications to develop land under the Town and Country Planning Act 1990.

20/0199/FUL Demolition of existing buildings and the erection of 69 dwellings (including 19no. bungalows) with open space and infrastructure at Land at Ford Close Riding Centre, Brass Castle Lane, Middlesbrough TS8 9EE for Stonebridge Homes and Susan Jamieson Ritchie

Full details of the planning application and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

The Head of Planning advised that permission was sought for the demolition of some existing buildings on the site and the erection of 69 dwellings, including 19 bungalows, with associated access, landscaping and infrastructure on land at the Ford Close Riding Centre to the east of Brass Castle Lane.

The site was located to the east of Brass Castle Lane, south east of the junction with Fulford Way, and comprised 5.5ha of open fields and mature woodland. Part of the site had an existing dwelling and buildings relating to the riding school located along the northeast boundary of the site. A telecommunications mast was located in the southeast corner of the site. The existing Eagle Park residential estate was located to the northwest of the site and the ongoing Grey Towers housing development was located to the southeast and northeast.

A woodland belt within the site was located to the south with housing past it, with further woodlands located outside the site to the northeast.

Permission was sought for the demolition of some of the existing buildings on the site and the erection of 69 dwellings. The dwellings proposed consisted of:

- 11 two bed bungalows;
- 8 three bed bungalows;
- 40 four bed two-storey houses; and
- 10 five bed two-storey houses.

In terms of consultation, the Local Authority had sent out 51 neighbourhood consultation letters. A total of 35 objections had been received from 25 properties. Only four of those properties were located within the immediate vicinity of the application site and had received a neighbourhood consultation letter.

The main issues raised by objectors included:

- that proposal was in conflict with planning policy;
- there was inadequate infrastructure to deal the scheme;
- there would be an increase in traffic and congestion; and
- there would be a detrimental impact on wildlife/ecology;

The principle of housing on the site had been approved through the allocation of the site in the adopted 2014 Housing Local Plan under policy H30. It was also recognised in the Marton West Neighbourhood Plan.

Policy H30 Land at Ford Close Riding Centre stated that:

'Planning permission will be granted for a high quality, high value executive residential development to provide a maximum of 50 dwellings, and associated access improvements. Development proposals will be expected to:

- *provide a residential development that reflects the executive housing types within the surrounding area;*
- *take account of the topography and features of the site in the design process;*
- *retain and integrate existing mature trees and hedgerows, where possible, including the retention of existing woodland buffers along identified watercourses;*
- *provide any necessary off-site improvements to transport infrastructure to ensure traffic generated by the development does not have a significant detrimental impact upon the highway network;*
- *provide 15% on site affordable housing or an equivalent off-site financial contribution;*
- *provide off-site improvements to school provision to accommodate the educational needs of future residents; and*
- *provide pedestrian and cycleway links along the eastern and northern boundaries of the site to improve connectivity with adjoining residential areas to the north and south.'*

A number of comments had been received stating that the scheme was contrary to policy H30, as it exceeded the maximum of 50 dwellings.

Whilst policy H30 stated a '*maximum of 50 dwellings*' policy H1 (Spatial Strategy) stated '*All housing requirements and housing allocations in the Core Strategy and Housing Development Planning Document are minimum figures unless otherwise stated. Proposals for fewer than the minimum or more than the maximum dwelling requirements for a site will only be considered where it can be clearly demonstrated through a design led approach and having regard to the characteristics of the surrounding area and any site specific policy requirements that an alternative capacity is more appropriate.'*

It was explained that, as a result of policy H1, the number of dwellings proposed in itself was not a planning reason to refuse the application. More than 50 dwellings could be acceptable in planning terms, subject to full consideration of the design and quality of the development and site specific policy requirements.

The Head of Planning advised that a key consideration for committee members was whether the scheme, by exceeding the maximum number of dwellings, undermined the design quality that Housing Local Plan was trying to achieve on the site.

The application site was within the boundaries of the 2016 adopted Marton West Neighbourhood Plan. Policy MW4: Land at the Ford Riding School - Brass Castle Lane stated that:

'Proposals for a high quality residential development at Ford Riding School will be supported where an element of the dwellings provided should be bungalows. Subject to negotiation, a proportion of the developer contributions should be made towards traffic calming measures within the vicinity and a donation made for the upkeep of Bonny Grove Park, Sudbury Pond and Fairy Dell.'

Whilst a number of resident comments referred to the need for a predominance of bungalows on the site, that had not been stated within the Marton West Neighbourhood Plan. The neighbourhood plan, at paragraph 35, stated, that: *'Marton West residents recognise the need for more housing but would suggest that this site has at least 40% of the development built as bungalows as a way of partly meeting the shortfall of this type of housing in south Middlesbrough'*. It was advised, however, that the target of 40% was an aspiration and did not form part of the policy.

In response to objections and officer comments reiterating the requirements of policy MW4, revised plans had been submitted that proposed 19 bungalows within the site. That figure represented nearly 28% of the proposed dwellings. Whilst that did not meet the 40% target referred to in the MWNP, it represented a significant increase in the numbers originally proposed and steps towards meeting the aspirational target.

Given the policy context, the principle consideration for Members was one of design and whether the proposed scheme undermined the design objectives of the site.

The site included an area of woodland, which was to be retained and the building line would sit behind the green belt. There would be a significant area of open space, including a SUDS pond/detention basin that would be located at the entrance to the site as part of the sustainable drainage scheme.

The layout of the site responded to existing natural features and the dwellings had been orientated to provide a maximum benefit from views over the open spaces and landscaped areas, with existing and new rights of way, cycle paths and bridleways penetrating the site connecting the properties to the landscaped and wooded areas and the wider right of way network.

The main footpath to the north and south would not follow Brass Castle Lane. A new footway would be provided to the sites northern boundary on Brass Castle Lane to connect into internal footpaths which in turn would connect into adjacent routes and the Grey Towers Farm development.

The woodland and landscaped areas were of a significant benefit to the community providing leisure opportunities through walkways connecting the open areas and landscaped spaces, and enhancing the visual appearance of the area.

Statement dwellings and corner turners had been located at prominent positions throughout the site to further enhance the streetscene and the quality of the development providing focal points. Where possible, dwellings would be fronted onto open spaces providing attractive views over landscaped settings. The bungalows were placed in a number of locations throughout the site resulting in varying roof heights enhancing the visual appearance of the area.

The existing mast that was located on the site was a constraint. Dwellings had been orientated so that the mast did not dominate views from the properties. Higher boundary treatments constructed from brick with timber inserts in that location assisted with ensuring the amenity of new residents was not compromised and also added an attractive element to the streetscene.

The proposed housetypes were of a good size. 11 House types were proposed offering a mix of 2, 3, 4 and 5 bedrooms including bungalows and two-storey dwellings, i.e. 2 and 3 bedroom bungalows and 4 and 5 bedroom houses. The proposed housetypes incorporated various

design details, including gable features, soffits, decorative porches, stepped elevations, windows set in the eaves and bay windows.

The permitted development rights would be removed for the site to enable the Local Planning Authority to further control alterations and extensions to the dwellings following their completion. Removal of permitted development rights planned to ensure that the high quality designs of the dwellings, and their relationship with their neighbours and landscaped areas, would be retained.

The scheme had a density of approximately 18 dwellings per hectare which was in keeping with the densities of the surrounding housing estates.

Members were shown several images in respect of the proposed house types, streetscene and access.

In terms of the works to the local highway environment, the 30mph/60 mph speed limit boundary on Brass Castle Lane would be relocated circa 45m south. That would result in the 30mph scheme and the street lighting being extended to a point south of the proposed site access. In addition, a new gateway feature at the change in speed limit would be introduced, consisting of signage, lining and a welcome sign to reinforce the change in speed limit and to influence driver behaviour.

The Head of Planning stated that in terms of infrastructure provision, the site provided affordable housing (11 bungalows). As part of the s106 agreement, contributions were being sought towards:

- Bonny Grove Park, Sudbury Pond and Fairy Dell - £50,000
- Marton West Beck improvements - £127,719
- Strategic highways works to Dixons Bank/Brass Castle Lane junction - £458,291
- Off site highway works would also be undertaken, including:
 - upgrading of the adjacent inbound and outbound bus stops (two stops in total);
 - provision of a formal pedestrian crossing point between the housing to the north of Brass Castle Lane and the northern site frontage;
 - provision of a footpath linking the new crossing point to the proposed site access junction; and
 - gateway/traffic calming feature on Brass Castle Lane.

Whilst policy H30 required a contribution to educational needs and comments had been made relating to the lack of school provision, the Council's education team had confirmed that there was no requirement for a contribution from the development.

The other issues raised as part of the consultation related to:

- The five year land supply - the five year supply was not there to be used as a tool to restrict development on allocated sites and could not be used as a reason for refusal, its purpose was to provide an indication of whether there were sufficient sites available to meet the housing requirement year supply.
- Status of the Local Plan - as the Local Plan had been adopted in 2014, where strategic policies were more than 5 years old, local housing needed to be calculated using the five year land supply.
- Contrary to NPPF - key elements of the NPPF stated that there was a need to look at the most effective and efficient use of land, therefore, the density of the scheme may have been considered to be too low and an increase in dwellings could have been proposed.
- Archaeology - the development had been considered in relation to the potential archaeology at the site. It was considered that any impacts on potential archaeology could be controlled by a suitably worded condition and watching brief.
- Ecology and wildlife - Ecological Impact Assessments had been submitted as part of the application documents. The majority of the application site was grassland with limited potential for wildlife. The existing woodlands and hedgerows were to be retained and enhanced with additional landscaping in the residential gardens and open spaces. The addition of the detention basin and grassland areas planned to enhance the visual appearance of the streetscene and would increase the ecological

habitat on the site.

The Head of Planning advised that the main issues for consideration were:

- Is the design of the development of a high enough quality to justify exceeding the maximum number of dwellings specified in policy H30 of the Local Plan? If not, then why not?
- Is the existing infrastructure provision, including the proposed mitigation, sufficient to accommodate the level of development? If not, then why not?
- Does the inclusion of a significant number of bungalows provide justification for the scheme?

The Head of Planning advised that whilst the proposal was in excess of the allocation identified in policy H30, the scheme was of high design quality in terms of the layout, built form and landscaping, which would deliver a significant number and proportion of bungalows. The increased number of dwellings raised no additional issues with regards to impacts upon transport, or other infrastructure, which were not being addressed through the scheme or other developments.

It was recommended that the application be approved, subject to the signing of the S106 Agreement and the conditions specified in the submitted report.

A Member raised a query in respect of the distance of the site to local amenities. The Head of Planning advised that the small site allocation did not include a requirement for amenities, such as shops, to be provided as part of the scheme. It was advised that improved pedestrian access, proposed by the scheme, would assist in encouraging residents to walk to the range of amenities (e.g. shops and leisure facilities) located in the wider area.

A Member raised a query regarding pedestrian crossings. The Transport Development Engineer advised that in order to achieve the improved pedestrian facilities, one access into the Gas Governor was to be reinstated to full height kerb and landscaped to prevent vehicular access - with access retained from the western boundary. That would connect the site into existing infrastructure. It was also added that tactile paving and crossing points across the junction with Brass Castle Lane and Brass Castle Lane itself planned to enable pedestrians/cyclists to access the existing footway/cycleway on the northern side of Fulford Way/Brass Castle Lane. Therefore, there would be east/west connections and north/south connections. A diagram of proposed highway works was shown to Members to demonstrate the locations of the proposed dropped kerbs and tactile paving, typically the crossing points for pedestrians. It was clarified that those crossings points would be uncontrolled pedestrian crossings. Members expressed concern that the proposed crossing points would not be controlled.

A Member raised concerns in respect of the telecommunications mast being located in the southeast corner of the site and the removal of part of the hedgerow to provide access. The Head of Planning advised that the hedgerow within the site would have a section removed to provide access through it, however, the majority of it would be retained. It was also added that the development proposed a landscaping scheme, including the planting of new hedges and trees and the inclusion of wildflower planting at the detention basin and woodland edge. The Transport Development Engineer advised that, in terms of access and the removal of the part of the hedgerow, through design measures a pinch point could be introduced and a footpath, potentially, only on one side. Therefore, if Members had an issue with the proposed access, it could be reduced by approximately four metres to further minimise the impact. It was also added that access was limited with regards to other constraints e.g. the junction to the north and being able to achieve suitable sightlines. It was clarified that the access proposed did meet all technical guidelines in terms of sightlines and junction spacing.

In response to a Member's query regarding the bungalows throughout the site, the Head of Planning showed plans of the proposed site layout to Members. It was advised that the 11 two bed bungalows provided the required 15% affordable housing on the site.

The Agent was elected to address the committee, in support of the application.

In summary, the Agent explained that:

- The application site was an allocated site within the approved Housing Local Plan and although the additional dwellings conflicted with some elements of Policy H30, the scheme met the other requirements of the policy and the justification for increased numbers as set out in policy H1.
- By proposing the 69 dwellings, the scheme ensured compliance with policy H30, by providing 50 executive homes, but also recognised the aspirations of Marton West Neighbourhood Plan by providing a proportion of bungalows on the site.
- In terms of the removal of part of the hedgerow, there were constraints in respect of where the access to the site could be located and the need to achieve suitable sightlines. To provide access to the site, nine trees would require removal, however, another 100 trees would be planted as part of the proposed scheme.
- In terms of highways and the impact of the 69 dwellings, the level of traffic generation represented a little under 1 vehicle movement per minute.
- The scheme had a low density of approximately 18 dwellings per hectare.
- The scheme would provide an attractive landscaped setting with four acres of open space on the site. The site included an area of woodland, which was to be retained and area of open space, including a SUDS pond at the entrance to the site.
- The scheme would deliver a high design quality in terms of the layout, built form and landscaping.

An Objector was elected to address the committee, in objection to the application.

In summary, the Objector explained that:

- The scheme would result in the overdevelopment of the site - the Housing Local Plan had stated that planning permission would be granted for a maximum of 50 high quality, high value executive dwellings. The 69 dwellings proposed by the scheme exceeded the maximum number of dwellings by 19.
- If planning permission was granted for the scheme, it would send a clear message to other developers.
- Internally, within the development, there were areas where the separation distances fell short of the 21m (front to front) and 14m (front to side) advised in the Urban Design SPD.
- Local residents to the site were concerned that their broadband connections were already inadequate and 69 new dwellings would undoubtedly result in reduced quality for existing broadband users. The submitted report advised that the Applicant would be required to enter into discussion with internet providers to provide infrastructure for the application site, however, that would not deal with the negative impact of the scheme on current broadband connections. A fibre optic cable, the length of Brass Castle Lane, should be installed and paid for by the developer.
- Increase in traffic and congestion - the location of access on Brass Castle Lane and increased traffic on the lane posed additional safety hazards. Assessing the impact of the proposed scheme on traffic generation in isolation did not assess the cumulative impact of all housing developments located in that particular area. The development would cause infrastructure issues and safety concerns for pedestrians and cyclists due to access being provided off Brass Castle Lane.

A Ward Councillor was elected to address the committee, in objection to the application.

In summary, the Ward Councillor explained that:

- The development was contrary to the Local Plan and the Marton West Neighbourhood Plan, exceeding the maximum number of dwellings.
- Although the MWNP had an aspirational target of 40% of dwellings on the site being bungalows, neither the Local Plan and the Marton West Neighbourhood Plan suggested that the site should include the 50 executive dwellings plus additional bungalows.
- The advert for the sale of the land had stated that planning permission would be granted for a high quality, high value executive residential development to provide a maximum of 50 dwellings, and associated access improvements.
- There was a requirement for the Local Plan to control developments.
- The layout and design of the scheme were poor and three bungalows were located in close proximity to a telecommunications mast.

- There were areas within the development where the separation distances fell short.
- Policy H1 stated that proposals for more than the maximum dwelling requirements for a site would only be considered where it could be clearly demonstrated that the design was of exceptional and outstanding quality. The proposed scheme was neither.
- If approval was granted, it would set a precedent for future developments across the town.

The Head of Planning explained that in respect of separation distances, there was only a couple of areas within the development that fell short of the 21m/14m guidance. The separation distances fell short of the guidance by a matter of centimetres and did not impact on amenity because of location. It was considered that the shortfall in separation distances was minimal and assisted in providing a good quality layout and focal points within the streetscene, enhancing the overall urban design of the site. Therefore, on a minimal basis was considered to be a positive element of the development.

The Head of Planning advised that broadband was delivered by a third party and the issues raised in respect of broadband connections were not material planning considerations.

Another Ward Councillor spoke in objection to the scheme and commented that:

- Following approval by Full Council, a QC had endorsed Middlesbrough's Local Plan, therefore the maximum numbers stated in the Local Plan should not be changed.
- 35 objections to the scheme had been received, including two community councils, one parish council and four local councillors who were all in disagreement with the proposed development.
- The road was a country lane that was not designed for excessive traffic.
- If approval was granted, a condition should state that work should not be started until a signal controlled junction was implemented at Brass Castle Lane/Dixons Bank.

A discussion ensued and Members raised concerns that the model, used to assess the impact of the schemes on traffic generation, only assessed the impact of an individual scheme in isolation and did not assess the cumulative impact of all developments in that area. Members also expressed concerns in relation to the impact on capacity and safety of the local highway network.

A Member commented that the scheme failed to demonstrate that it met the level of design quality required to warrant approval. Members expressed particular concern in relation to the positioning of the SUDS pond at the front of the site, the loss of woodland to create the access road and the presence of semi-detached and terrace bungalows conflicted with policy aspirations for executive housing. Members also commented on the lack of spacing between properties.

ORDERED that the application be **Refused** for the reasons outlined below:

In the opinion of the Local Planning Authority, the proposed development has failed to demonstrate that excess of the maximum number of 50 units as defined in Local Plan Policy H30 can be reasonably achieved on the site. Local Plan Policy H1 only supports greater numbers of units in instances where, through a design led approach, a greater capacity is more appropriate in achieving the policy requirements of reflecting the executive housing types within the surrounding area. The proposal has failed to demonstrate that it meets the level of design quality required to achieve this. Areas of specific concern are the positioning of the SUDS pond to the front of the site, the loss of existing trees to support the access road, the presence of semi-detached and terrace bungalows resulting in a number of smaller dwellings conflicting with policy aspirations for executive housing, the spacing between properties and their relationship to each other. The proposed scheme is therefore considered to be contrary to Local Plan Policy H1 and H30, and Marton West Neighbourhood Plan Policy MW4 which limit the extent of development on site and which seek a high quality, high value development.

The Head of Planning submitted details of planning applications which had been approved to

date in accordance with the delegated authority granted to him at Minute 187 (29 September 1992).

NOTED

20/26

PLANNING APPEALS

Appeal Ref: APP/W0734/D/20/3251084 - 42 Cinderwood, Middlesbrough, TS3 9RH

Appeal Allowed

The development proposed was described as 'proposed single storey infill extension.'

The main issues were the effect of the proposal on (i) the character and appearance of the surrounding area and (ii) highway safety with regards to parking.

Appeal Ref: APP/W0734/D/20/3251710 - 6 Malvern Drive, Middlesbrough TS5 8JB

Appeal Allowed

The development proposed was described as 'double storey side extension.'

The main issue was the effect of the proposal on the character and appearance of the surrounding area.

APP/W0734/D/20/3256067 - 75 Southwell Road, Middlesbrough TS5 6NQ

Appeal Dismissed

The development proposed was two storey side extension and dormer.

The main issues were:

- The effect of the proposal on the character and appearance of the host property; and
- Whether the proposal would make suitable provision for car parking.

Appeal Ref: APP/W0734/W/20/3255427 - 4 The Crescent, Linthorpe, Middlesbrough TS5 6SE

Appeal Allowed

The condition in dispute was No 4 which stated that: Windows/doors - The materials of the windows and doors incorporated within the extension hereby approved shall be timber only.

The appeal site was located within the Linthorpe Conservation Area. Planning permission for a side extension to the dwelling included a condition requiring that windows and doors within the extension shall be timber only. The appellant had objected to that condition as he wished to use uPVC for the windows and doors subject to agreeing an appropriate design. The proposed condition related solely to the use of materials, and did not include controls relating to matters including design.

Taking the background into account, the main issue was whether the condition was reasonable or necessary in the interests of the character or appearance of the Conservation Area.

In respect of each appeal, the Development Control Manager provided Members with details of the issues raised by the Planning Inspectorate.

NOTED