

PLANNING AND DEVELOPMENT COMMITTEE

Date: Monday 8th March, 2021
Time: 1.30 pm
Venue: Virtual Meeting

AGENDA

Please note: this is a virtual meeting.

The meeting will be live-streamed via the Council's [Youtube channel](#) at 1.30 pm on Monday 8th March, 2021

1. Welcome and introduction
2. Apologies for Absence
3. Declarations of Interest
4. Schedule of Remaining Planning Applications to be Considered by Committee 3 - 54

Schedule - Page 3
Item 1 - Ormesby Methodist Church - Pages 5 to 14
Item 2 - Land at Grove Hill - Pages 15 to 39
Item 3 - Ryehill House - Pages 41 to 53
5. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin
Director of Legal and Governance Services

Town Hall
Middlesbrough
Friday 26 February 2021

MEMBERSHIP

Councillors J Hobson (Chair), D Coupe (Vice-Chair), B Cooper, D Branson, C Dodds, L Garvey, M Nugent, J Rostron, J Thompson and G Wilson

Assistance in accessing information

Should you have any queries on accessing the Agenda and associated information please contact Georgina Moore/Chris Lunn, 01642 729711/729742, georgina_moore@middlesbrough.gov.uk/chris_lunn@middlesbrough.gov.uk

Planning & Development Committee - 8th March 2021

Town planning applications which require special consideration

1	20/0045/COU Park End/Beckfield	Applicant Mrs Natalie Woodgate	Change of use from Methodist Church (D1) to dance studio/community events centre (D2) Ormesby Methodist Church, High Street, Middlesbrough TS7 9PA
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2	20/0546/FUL Longlands/Beechwood	Applicant Thirteen Group Agent Mr Filip Young	Erection of 296 dwellings with associated landscaping and parking Land At Grove Hill, Middlesbrough
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3	20/0692/FUL Marton West	Applicant Mrs Susan Holmes Agent Mr M Carr	Permanent siting of restored railway carriage for use as guest accommodation Ryehill House East, Brass Castle Lane Middlesbrough TS8 9ED
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APPLICATION DETAILS

Application No:	20/0045/COU
Location:	Ormesby Methodist Church High Street Middlesbrough
Proposal:	Change of use from Methodist Church (D1) to dance studio/community events centre (D2)
Applicant:	Mrs Natalie Woodgate
Ward:	Park End/Beckfield
Recommendation:	Approve with Conditions

SUMMARY

Planning permission is sought to convert the vacant Ormesby Methodist Church to use as a dance studio and for community functions. As a result of the usual consultation process objections from three local residents were received.

The main areas of consideration are: the principle of a town centre use in an out of centre area, impact on the amenity of local residents and impact on the safe operation of the highway.

It is considered that the sequential test submitted with the application demonstrates that the building is the most sequentially preferable option available and that the use will not have a detrimental impact on the vitality and viability of the nearby local centre. Consideration was given to the issues raised by local residents however it is considered that that the proposal will not result in a significant increase in terms of noise and disturbance to local residents or an increase in traffic or parking demand over and above the previous use.

The proposed change of use is considered to be in accordance with both local and national planning policies and the officer recommendation is to approve subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is located in a residential area in Ormesby, Middlesbrough. It occupies a corner plot at the junction of Ladgate Lane with Pritchett Road. Surrounding properties are typically two storey semi-detached dwellings. The site is opposite but not within the Ormesby Conservation Area.

The application property is a purpose built, relatively modern building that was previously used as a church. Pedestrian and vehicular access is from Pritchett Road. There is an open landscaped area to the front of the building with Ladgate Lane beyond to the south, residential properties are to the west and north with Pritchett Road and residential properties beyond to the east.

The proposal subject of this application is to change the use of the building from a Church (class F1) to a dance studio/community events centre (F2). No alterations to the exterior of the building are proposed. Opening hours of 9am to 9pm seven days a week are proposed.

Original details submitted with the application indicated provision of 18 parking spaces within the site, a revised plan showing 14 spaces was subsequently submitted.

The following documents were submitted in support of the application:

- a) Sequential Test
- b) Noise Assessment

PLANNING HISTORY

There is no relevant planning history associated with this 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:

DC1 - General Development
CS4 - Sustainable Development
CS5 - Design
CS13 - Town Centres etc Strategy

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

Middlesbrough Council Strategic Policy

The development site is within a predominantly residential area and given that this type of use will give rise to increased travel to the site with associated parking and potential for increased noise it will be important to determine if the impact will be minimal in order to satisfy the requirements of Policy DC1.

As a main town centre use outside of a defined centre, a dance studio in this edge of centre location could have an adverse impact upon the vitality and viability of defined centres which would be contrary to Policy CS13 and the NPPFs 'town centre first' approach. In accordance with requirements of the National Planning Policy Framework for town centre development outside of a defined centre, a sequential test was submitted to assess the availability of more suitable premises within or closer to the nearby local centre. It concluded that there were no other viable sites available and that the application site was the preferred option, that it is a sustainable location and represents an appropriate alternative use of Ormesby Methodist Church.

Middlesbrough Council Highways

The site abuts Ladgate Lane, a main arterial route for both Middlesbrough and Redcar & Cleveland Councils highway networks. The applicant must ensure the proposed activities of the centre do not affect traffic flows along this route, the applicant must ensure an appropriate level of car parking is provided to cater for the proposed use.

The Tees Valley Design Guide and Specification states that, the applicant should provide sufficient operational parking and area for manoeuvring within the site, 1 space per 10m² public floor area. A minimum of 4 cycle spaces should also be provided, 2 cycles per 150m² gross floor area.

To the north of the church, within the site boundary, there is an area of hardstanding, the applicant could make arrangements for this to be formalised into a managed off street parking facility in order to fulfil the above requirements.

Middlesbrough Council Environmental Health

The applicant should carry out further tests to demonstrate that the suggested limit to noise levels of 85dB LAeq (15min) will not result in unacceptable impact on nearby residents.

Middlesbrough Council Waste Policy

No comments

Public comment

Nearby Neighbours were notified of the proposal, comments from the following were received.

Mr P Meredith 38 Raines Court
Mrs J Sinclair 57 High Street
Mr B Pugh 8A Pritchett Road

Concerns / objections raised in relation to;

- Parking
- Loss of privacy due to proximity of parking to window
- Noise
- Access for emergency vehicles
- Highway safety
- Request for yellow lines
- Property already in use as a dance studio

PLANNING CONSIDERATION AND ASSESSMENT

Policy context

1. The National Planning Policy Framework (NPPF) was most recently revised and published by the Government in February 2019, and is a material consideration. The NPPF states that, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para. 12). In determining planning applications, due weight should be given to local planning policies in accordance with their consistency with the revised Framework, with greater weight given to those policies which are closer to those in the Framework (para 213).
2. As a starting point, the proposal should be assessed against policies set out in the Development Plan. Policies DC1, CS4 and CS5 which in essence seek to ensure high quality sustainable development, ensure the amenity of nearby residents, character of the area and highway safety are not adversely affected by the development.

3. Policy CS13 sets out a hierarchy of retail centres and seeks to prevent development that will detract from their retail function. Although the site is not within a local centre consideration should be given to the potential impact of the development on the nearby Ormesby High Street Local Centre.

Principle

4. The site is located approx. 200m to the west of the nearby Ormesby High Street Local Centre, the proposed use as a dance studio and community uses is a town centre use which should, in accordance with Policy CS13, be located within the centre or as close as possible to it if there are no suitable units available. The sequential test submitted with the application considers the availability and suitability of other units within both the Ormesby High Street Local Centre and Lealholme Crescent Local Centre. It concludes that there are no vacant units within either centre and that given the location of the application site on the fringe of the Ormesby High Street Local Centre, it is the sequentially preferred site for the dance studio and community events development.
5. Given the nature of the use and the lack of vacant units in the nearby centre's, it is considered that the proposed use will not undermine the provisions and purpose of the local centre and it could be argued that it may result in additional footfall within it due to its proximity, thereby contributing to the vitality and viability of the nearby local centre in accordance with Policy CS13.
6. The proposed development is considered to be a sustainable form of development as it will bring back into use an unused building close to local transport routes and facilities that will serve the local community in accordance with Policy CS4 and may serve to prevent the building being vacant on a longer term basis.
7. In view of the above, it is considered that the proposal is a sustainable use that is acceptable in principle in accordance with Policy CS4 and CS13.

Impact on character

8. No material alterations to the exterior of the building are proposed. Sometimes however a change in the use of a building can result in a change of its character in the way that the building is used. Although the building was formerly used as a church where traditionally the pattern of arrivals and departures may have been more concentrated at weekends, under its current use class (F2) the building could be used for other less conventional types of worship or other uses such as a school, training centre etc. without the need for further planning permission and where the pattern of attendance could extend across the week and into the evenings. It is considered that the proposed use as a dance school will not result in dissimilar pattern of operation to this and so will not have any significant detrimental impact on the character of the area beyond the existing ability in how the building can be used, as a building visited and attended by the public for group activity.
9. In view of the above it is considered that the proposed development will not have a significantly adverse impact on the character of the area in accordance with CS5 (test c) and DC1 (test b).

Impact

10. A noise impact assessment was submitted in support of the application, it concluded that, providing amplification of music is limited to a maximum of 85dB LAeq (15min) the proposed activity associated with the dance studio would be considerably less than the pre-existing traffic noise in the area. The councils Environmental Health Officer considered the noise report and requested further measurements to show that the suggested noise level would not have an adverse impact on nearby residents.

The agent has declined to provide the additional information and argues that due to the position of windows in relation to nearby properties and the insulation provided by internal walls, that the noise levels would not be excessive. It is further argued that given the existing use, noise from church services through amplified music already has the potential to generate similar levels of noise.

11. Whilst it would be preferable to have the additional noise measurements to underpin the arguments the applicant is making, there is merit in the view that the use of the building as a church (or other use in the current use class) has the potential to generate as much or possibly more noise than the proposed use being considered under this application. The current use is also unlimited in terms of its hours of operation and so could potentially create noise and disturbance outside of what would be considered acceptable hours. This application provides an opportunity to limit the hours of operation and noise levels at the site which will give greater control over potential disturbance. Taking this into view it would be difficult to justify a refusal of planning permission in terms noise and disturbance arising from the proposed use, particularly where this is relating to the use of amplified music as the level of music being played can, be easily reduced. A suitable condition limiting the hours of use and noise levels at the site is recommended.
12. Noise and disturbance can also occur from the movement of vehicles and opening and shutting of car doors. Again it is considered that the level of traffic movements associated with the proposed use will not differ significantly from the potential operation of the existing use and that impacts of such noise will be more relative to the success and patronage of the previous and proposed uses which is not easily controlled by planning considerations or conditions.
12. Concerns were raised regarding privacy to a side facing kitchen window at No. 4 Chapel Close which faces towards the parking area. There is a fence and some vegetation along the shared boundary that will provide some screening, although due to the differing land levels this is reduced to a certain degree. This situation is however no different than it is with the current use. As such it is considered that any increase in loss of privacy due to use of the car park associated with the approved use would not be significantly different from that existing and as such it would be difficult to justify refusal of planning permission on the basis of loss of privacy.
13. In light of the above, it is considered that the proposed development will not have a significant additional impact on the amenity of nearby residents, beyond that of the existing arrangements and is therefore in accordance with Policy DC1 (test c) in this regard.

Highways

14. Concerns were raised regarding the movement of traffic and parking on Pritchett Road. In assessing the level of traffic movements and likely demand for on street parking account must be taken of the existing situation. Use of as a place of worship can result in a high level of worshippers arriving at the site at the same time. With the proposed use, it is likely that classes will take place at varying times thereby spreading the arrival and departure of vehicles across the times of operation. It is considered that this will have a lesser impact than the existing use has the potential to have.
15. The Councils Highway Engineer advised that the proposal should comply with the parking standards set out in the Tees Valley Highway Design Guide which requires that 1 parking space per 10m² of public space is provided. The applicant indicates a total of 175m² of public space within the building (dance studios plus café area) which would require 18 spaces to be provided. The proposed site plan indicates parking for 14 vehicles, this falls short of the required standard. However, as there is

an existing building and use at the site, consideration also needs to be taken of the current situation. The parking standard for places of worship is for 1 space per six seats, there is no information provided for the capacity of the church but based on the size of the floor area of the main hall alone the parking requirement for the existing church would be at least 25 spaces indicating that this is greater than that needed for the proposed use. In view of the parking requirement for the proposed use being less than that of the existing use it would be difficult to justify refusal of planning permission based on lack of parking as it will in theoretical terms, be an improved situation.

16. Plans submitted with the application show provision of four cycle parking spaces which is in accordance with the Highway Design Guide.
17. In view of the above it is considered that the proposal will not result in a significant increase in traffic movements at the site and although the provision of parking falls short of the Design Guide requirements, the proposal will not result in an increase parking demand over and above the approved use. It is considered therefore that the proposal will not have an impact on the safe operation of the highway in accordance with Policy DC1 (test d).

Other matters

18. Comment was made that parking restrictions should be put in place to resolve parking issues within the area and to avoid access for emergency vehicles being blocked. This is a matter for consideration under highway legislation.

Summary

19. The proposal has been assessed against local policy and guidance. It is considered that, due to its location close to the local centre, the proposed use is acceptable in principle and that the reuse of a vacant building that is close to local facilities represents a sustainable form of development. It is the Development Control view that the proposal will not have any notable detrimental impact on the character of the area, the amenity of nearby neighbours or on the safe operation of the highway. All other issues raised have been considered but do not justify refusal of planning permission.

Conclusion

20. In view of the above, the proposal is considered to be an acceptable form of development fully in accordance with National and Local policy and is therefore recommended for approval.

RECOMMENDATIONS AND CONDITIONS

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: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
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) Location Plan received 05.02.2020

b) Site plan received received 29.09.2020

Reason: For the avoidance of doubt and to ensure that the development is carried out as approved.

3. Hours of Operation

The premises shall not operate outside the hours of 0900hr to 21.00hrs Monday to Sunday Monday to Saturday

Reason: In the interests of amenity of residents having regard for policy DC1 of the Local Plan and section 12 of the NPPF.

4. Noise Mitigation on request

If noise levels, as a result of the use hereby approved, when measured at the façade of any of the dwellings whose boundaries adjoin the development site, exceed 5dB above background noise levels then;

a. At the written request of the Local Planning Authority, and within 1 month of the request being made, the operator of the premises shall submit a scheme of mitigation measures in writing to the Local Planning Authority, and;

b. Once accepted by the Local Planning Authority in writing, the approved scheme shall be implemented on site within 1 month of the scheme being agreed and thereafter retained in perpetuity.

In the event that an agreed scheme is not implemented within 4 months of the initial request for a mitigation scheme to be submitted, all amplified sound at the premises shall cease until an agreed scheme is implemented.

Reason: To avoid undue noise and disturbance in the interests of the amenity of nearby residents.

5. Windows to the North West elevation shall remain closed during the hours of 9am to 9pm.

Reason: To prevent noise transmission in the interests of the amenity of nearby neighbours

REASON FOR APPROVAL

This application is satisfactory in that the use as dance studio/community use accords with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policy DC1, CS4, CS5 of the Council's Local Development Framework). Where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraph 38 of the NPPF (2019).

In particular, dance studio/community use will not prejudice the character and function of the area and does not significantly affect any landscaping or prevent adequate and safe access to the site. The dance studio/community use will be consistent with the residential uses of this location and it will not be detrimental to any adjoining or surrounding properties. The traffic generated, car parking and noise associated with the dance studio/community use will not be of a level likely to result in an unacceptable impact on nearby premises.

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

Case Officer: Maria Froggatt

Committee Date: 5th March 2021



APPLICATION DETAILS

Application No:	20/0546/FUL
Location:	Land At Grove Hill Middlesbrough
Proposal:	Erection of 296 dwellings with associated landscaping and parking
Applicant: Company Name:	Thirteen Group
Agent: Company Name:	Mr Filip Young IDPARTNERSHIP
Ward:	Longlands/Beechwood
Recommendation:	Approve subject to 106 Agreement

SUMMARY

This application seeks consent for the erection of 296 residential dwellings and associated works. The application site is in a residential area, on a brownfield site allocated for housing development within the Housing Local Plan and which was previously an area of housing. The site is in close proximity to a number of services and provisions making it a sustainable location for new residential development

Following a consultation exercise two comments have been received from residents but no resident objections were received.

It is considered that the proposed development would provide a good mix of affordable dwellings which are considered to be of good quality design in an attractive setting with an appropriate layout and ancillary works. The development will not result in any significant detrimental impact to the amenities of existing local residents or the highway network and highways works will improve pedestrian safety at a junction which has an accident record. The development meets the requirements of the relevant national planning policies detailed within the NPPF and Local Plan Policies, specifically H1, H3, H11, H19, H31, CS4, CS5 and DC1. The recommendation is minded for approval with conditions subject to a s106 agreement.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site comprises 9.86ha of brownfield land. The site is split into three sections, one is located either side of Pinewood Avenue. The second is located to the south of

Marlon Burn Road between the junctions with The Vale and Deepdale Avenue. The third is located between The Vale, Ashfield Avenue and Keith Road. The site is in a residential area with existing residential dwellings in all directions. To the west there is an area of open space and to the northwest lies the Eastbourne Road local centre and to the east is a primary school.

The site was previously housing which was removed as part of the wider Grove Hill regeneration scheme.

This application seeks consent for the erection of 296 dwellings with associated landscaping, parking and highways works. The dwellings consist of:

- o 87 no. two bed bungalows
- o 1 no. three bed bungalow
- o 8 no. four bed dormer bungalows
- o 48 no. two bed houses - two storey
- o 130 no. three bed houses - two storey
- o 22 no. four bed houses - three storey

The proposed dwellings include 276 semi-detached properties, 6 terraced properties and 14 detached properties.

The development is for 100% affordable housing with the majority of the proposed dwellings for affordable rent and 16 are shared ownership.

In support of the application the following documents have been submitted:

- Planning Statement
- Design and Access Statement
- Ecological Assessments
- Flood Risk Assessment
- Transport Assessment
- Aboricultural Impact Assessments

PLANNING HISTORY

No relevant planning history.

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)
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- 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:

DC1 - General Development
 CS4 - Sustainable Development
 CS5 - Design
 CS6 - Developer Contributions
 CS17 - Transport Strategy
 CS18 - Demand Management
 CS19 - Road Safety
 H1 - Spatial Strategy
 H3 - Inner Middlesbrough
 H11 - Housing Strategy
 H19 - Grove Hill
 H31 - Housing Allocations
 MWC4 - Safeguarding Minerals
 MWP1 - Waste Audits

REG37 - Bus Network
UDSPD - Urban Design SPD
HGDC - Highway Design Guide
GHSPD - Grove Hill 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>

CONSULTATION AND PUBLICITY RESPONSES

Following a consultation exercise including site notices, press notice and letters to resident's two comments were received from residents, no resident objections were received. The resident comments and consultee comments are summarised below.

Resident Comments

The following comments were received:

- a) Comments relating to the building of houses in the flood zone.
- b) The junction between Saltersgill Avenue/The Vale crossing over Keith road is always busy and accidents occur quite often so maybe a roundabout or traffic lights could be looked at easing the problem. The cross over between Woodville and the empty land has the same problem.
- c) The parking to be restored on Keith Road opposite the empty land. As this is now a bus route and with the extra housing planned it would be a great time to revert back to household lay byes to fix this problem with most households needing a car for work over crowding could be a hidden problem and safety issue.

Comments received from:

1. 1 Aspen Drive
2. 61 Keith Road

Northern Gas

Northern Gas Networks acknowledges receipt of the planning application and proposals at the above location.

Northern Gas Networks has no objections to these proposals, 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.

Northern Powergrid

No response

Northumbrian Water

No objection subject to relevant conditions. Please note that the planning permission is not considered implementable until the condition has been discharged. Only then can an application be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

Natural England

Natural England has no comments to make on this application. General advice given.

Secured by Design - Cleveland Police

I recommend applicant actively seek to deliver this project to Secured By Design Gold Award standards, Silver Award should be the minimum standard sought. Full information and guidance is available within the 2019 Homes Guide at www.securedbydesign.com

In all instances I recommend applicant contact me at the earliest opportunity for any advice, input I can offer in relation to designing out opportunities for crime and disorder to occur in the future.

Advice has been given in relation to the layout, lighting, accessibility, natural surveillance, boundary treatments, open spaces and landscaping.

Cleveland Fire Brigade

Cleveland Fire Brigade offers no representations regarding the development as proposed, however Access and Water Supplies should meet the requirements as set out in:

- Approved Document B, Volume 1:2019, Section B5 for Dwellings.

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 1 Section B5 Table 13.1.

It should be confirmed that 'shared driveways' and 'emergency turning head' areas meet the minimum carrying capacity requirements as per ADB Vol 1, Section B5: Table 13.1, and in line with the advice provided regarding the CARP, above.

Further comments may be made through the building regulation consultation process as required.

Environment Agency

No objection in principle, development is outside the flood zone. Conditions are required relating to works that impact on the beck. S106 contribution is also required relating to drainage and the beck.

Planning Policy - MBC

No objection

Highways - MBC

No objection subject to relevant conditions.

Local Flood Authority - MBC

No objection subject to relevant conditions.

Rights of Way - MBC

No comments

Environmental Health - MBC

No objection subject to relevant conditions.

Waste Policy - MBC

Properties serviced by shared drives, residents will be required to bring their refuse and recycling receptacles to the nearest public highway for collection.

Ward Councillors

No response

Community Councils

No response

Public Responses

Number of original neighbour consultations	321
Total numbers of comments received	2
Total number of objections	0
Total number of support	0
Total number of representations	2

Site notice posted –
9th October 2020

PLANNING CONSIDERATION AND ASSESSMENT

1. The planning application is a full application for the development of 296 dwellings and associated works including roads, drainage and landscaping. The principle issues to be considered in respect of this application centre upon the appropriateness and sustainability of the site, the drainage infrastructure, the impact on the highway network, the design, scale and layout of the dwellings, the parking provision, internal highway layout and landscaping.

Principle of Development

2. The application site is allocated for residential use in the adopted Housing Local Plan. Policies H1 and H3 identify Grove Hill as a strategic housing allocation and a priority for regeneration activity respectively. These policies establish the principle of residential development on the site.
3. Policy H11 and H19 collectively seek the provision of new housing in Grove Hill that enhances the choice of quality housing and creates a sustainable and balanced mix of housing. The proposed development includes a range of houses and bungalows in a variety of sizes, which will assist with delivering a more sustainable housing stock.
4. Policies H11 and H19 also require that development delivers environmental improvements and recognises the importance of open spaces, green corridors and public realm. The proposed development incorporates areas of green space, green routes through the site and landscaping.
5. Policies H19 and Policy H31 identify Grove Hill for the development of approximately 610 new dwellings between 2012 and 2029. The proposed 296 dwellings plus 202 dwellings delivered to date would result in approximately 500 dwellings. Whilst this is below the level of dwellings identified in the above Policies, Policy H1 makes clear that a lower number of dwellings will be acceptable where the applicant demonstrates through a design led approach and having regard to the characteristics of the area that a lower capacity is more appropriate. There are also two remaining small sites within the Grove Hill regeneration area which have not come forward for development. As a result the development of this site for 296 dwellings is in accordance with the overall figure of 610 dwellings for the wider Grove Hill site.
6. Policy CS4 requires all development to contribute towards sustainable development. This includes giving priority to the re-use of previously developed land and delivering development of a high quality design that contributes to improvements in the quality of the landscape. The proposed development makes re-use of a brownfield site and incorporates landscaping, including areas of open space at entry points to the development.

7. Policy CS5 requires all development to demonstrate high quality design that is well integrated and creates a safe and attractive environment that enhances both the built and natural environments. The proposed dwellings are orientated to provide natural surveillance of open space and pedestrian routes which will assist with creating a safer environment.
8. Policy CS18 requires that measures are incorporated into development proposals that improve the choice of sustainable transport options available, such as promotion of opportunities for cycling and walking. The site is on a bus route and the proposed development includes links into adjacent footpaths and cycle-paths.
9. Policy CS17 advises that development should be located where it will not have a detrimental impact on the strategic transport network and Policy CS19 requires that development proposals do not have a detrimental impact upon road safety. As part of the development it is proposed to undertake layout changes and signal control at the junction of Keith Road, The Vale and Hollyhurst Avenue due to the existing high accident record at this location. As a result the proposed development should improve road safety.
10. A 'super core' bus route runs immediately to the north of the site. Policy REG37 requires that development does not have a detrimental impact upon the attractiveness or functioning of the bus route. The development of the site, which has lain vacant for a number of years, will improve the attractiveness of the route and create additional bus patronage.

Highways

11. As well as the proposed residential dwellings the development includes extensive highway works.
12. Two trip rates have been used for the development proposals; one for the traditional housing which is based upon surveys of occupied sites and a revised trip rate for the bungalows proposed as part of the scheme which have a lower trip rate.
13. Overall the development proposals are estimated to generate the following amount of traffic;

	Peak Period	Vehicle Movements
200 Houses	AM	142
	PM	147
96 Bungalows	AM	48
	PM	58
TOTAL DEVELOPMENT	AM	190
	PM	205

14. Development proposals were then coded in to the strategic Aimsun model, using the agreed trip rates, in the following future year scenarios, using anticipated build out rates;
 - 2025 - 83.5% of the site predicted to be built out and occupied (247 dwellings).
 - 2030 - 100.0% of the site predicted to be built out and occupied (296 dwellings).

15. The model assesses the impact of development in the future year scenarios at different levels;
- Network wide - Across the whole model area the introduction of development traffic in the future year scenario increases journey times by a few seconds per km, that is to say it will take 3-5 seconds longer to travel 1km with the development in place. This is clearly a small impact and does not materially affect the operation of the wider network.
 - Corridor Journey Time - As part of the validation of the model journey time along certain routes such as Green Lane to Marton Burn Road was checked against real world data. The impact on journey time by development proposals is then tested to establish any impact. The model demonstrates that in 2025 the development will not have a material impact on the journey times along these routes. Increases are generally less than 10%, which on most routes equates to a journey along the corridor changing by less than 30 seconds.
 - Individual Junctions - The final level of detail consists of a junction screening exercise based upon locations where the proposed development would give rise to an impact of 30 two-way trips or more. This screening has led to the detailed capacity assessment of 20 junctions. On the whole, this assessment demonstrates that the proposed development would not materially impact the operation of any of the junctions assessed, with only small variations in the level of queuing and delay predicted to occur.
16. Overall the development does not have a material impact on the operation of the network in 2025. In the 2030 future year scenario, greater levels of queuing and delay start to become apparent. These issues are not solely attributable to the proposed development and are a result of general traffic growth and the cumulative impact of a number of development sites.
17. One such junction is the junction of Belle Vue/Marton Road/Keith Road. A financial contribution of £150k is to be secured through S106 Agreement to be used towards an improvement scheme at this junction. The contribution is proportionate to the scale of development and is in addition to numerous other highway works being brought forward as part of the development proposals.
- Keith Road/The Vale/Hollyhurst Avenue
18. There is a history of accidents at the Keith Road/The Vale/Hollyhurst Avenue junction. Interrogation of the accident history demonstrates patterns in both the type of accidents and highway users. The addition of further development traffic and new residents on foot and cycle could exacerbate this situation. As a result officers have worked with the applicants and it is proposed to modify the existing alignment of The Vale to create a 4 arm signal controlled junction. This junction modification has been rerun through the Aimsun model to assess the implications of the proposed works.
19. The signalisation will have a slightly detrimental impact on the operation of the immediate highway and may create some additional queuing. Overall the conclusion of the modelling report is that;
- the level of queuing and delay that could be seen in the future year scenario is proportionate to the type of junction proposed and overall level of traffic flow
 - slightly higher levels of queuing can be seen on the Keith Road (West) arm of the junction. This is because currently vehicles turning right into Hollyhurst Avenue do not obstruct through traffic as they can wait in an informal right turn facility.
20. The output of the modelling can be considered to represent a worst case scenario as;

- signalising a junction can reduce the capacity of a junction slightly anyway as the fixed available Green time for the junction is being shared amongst all arms/manoeuvres (including pedestrians and cyclists)
 - the queuing only occurs on one arm of the junction and only occurs during the AM and PM peak periods
 - once installed and operational the authority will be able to observe the operation of the junction and make more targeted revisions to the signal controllers that allow the junction to operate more dynamically/efficiently. The Aimsun model has assumed more standard phasing and as such is a more robust approach.
 - Driver behaviour is difficult to model/predict and as such drivers letting right turners over/flashing them out may occur in day to day operation thus assisting with flows/capacity.
21. Of course the above only takes into account vehicular capacity, which is only one factor in assessing any highway scheme. Further consideration must also be given to;
- the main issue which required addressing is the poor safety record of the junction. The proposed works will reduce the likelihood and frequency of accidents occurring
 - the design of the junction includes pedestrian and cycle facilities in the form of East and Westbound cycle lanes together with signalised crossing facilities which will improve the safety for these highway users
 - provision of non-car infrastructure will reduce the severance between communities created by Keith Road and provide connections to local facilities
 - improving non-car infrastructure will make walking and cycling more attractive thus reducing dependence on the private car assisting in reducing delay and congestion
22. The benefits to signalising the junction therefore outweigh the potential negatives.

Highways Layout

23. The area subject to the proposals covers a number of historic highways. It is proposed to extinguish these highways through the Town and Country Planning Act. This process is separate to the granting of planning consent and will be followed by adoption agreements to create new areas of highway as part of the scheme.
24. In terms of design and layout, the proposed development is focussed around sense of place and this is reflected in highway hierarchy created, supported by use of materials. Once away from the main access route the layout seeks to reduce the dominance of the car and creates more informal areas using home zone principles and high quality materials. The reduced dominance of vehicular traffic enables non car access to be prioritised and the layout provides new direct routes through the site which integrate into existing infrastructure.
25. Various design tools have been used to restrain vehicle speeds to a maximum of 20mph, including the provision of managed areas of on-street parking to minimise the risk of indiscriminate parking.
26. As part of this approach the existing junction of Meadowfield Avenue/Keith Road is to be removed, which will minimise vehicle turning movements to the benefit of pedestrians and cyclists and will also assist in smoothing traffic flows along this section of Keith Road.
27. The internal layout will be designed, constructed to adoptable standards and vehicle swept path analysis has demonstrated that the appropriate vehicles can negotiate both the internal layout and proposed off-site highway works.

28. The proposed parking provision, both in curtilage and on street parking, has been assessed and is considered to be acceptable for this development.

Sustainability

29. The site has been designed in a sustainable manner and includes highway works such as the provision of a shared ped/cycle route to the North side of Keith Avenue, linking existing crossing points and the development into the strategic North/South Route 65 of the National Cycle Network. Other pedestrian/cycle facilities are proposed as part of the signalisation of Keith Road/The Vale as described above.
30. Within an 800m walk of the site are a large number of day to day facilities including schools and shops, with bus stops served by frequent services immediately adjacent to the site boundary.
31. This enables sustainable travel for residents to be a viable alternative to the private car and together with the proposed infrastructure will actively promote these forms of travel.
32. The development is considered to be in accordance with the requirements of policies DC1, CS4, CS17, CS18 and CS19.

Amenity

33. The proposed dwellings are located in a residential area where the previous properties have been removed. In some locations the proposed dwellings are adjacent to existing two-storey dwellings and bungalows. The separation distance to the existing dwellings, in the most part, meet or exceed the guidance separation distances. However, in some areas particularly around the Pinewood Avenue section of the development the separation distances are shorter than the guidance. The guidance on separation distances relates to two-storey dwellings. The smaller separation distances are generally between rear and side elevations of existing and proposed bungalows where there is a lesser degree of overlooking due to boundary treatments. The proposed separation distances are in keeping with the separation distances in the area between existing bungalows. As a result, the distances are considered to be acceptable and will not significantly harm the amenity of any existing or future residents.
34. Within the proposed development some of the separation distances fall short of the 21m/14m guidance with some being approximately 15m. The shorter separation distances only impact on a small number of properties and are in areas where the smaller separation distances aids the design to create pinch points to give the appearance of more private spaces and as traffic calming measures. Whilst shorter in some locations than the guidance the separation distances are also in keeping with the distances between existing dwellings in the surrounding area and are therefore in keeping with the character of the area. On balance it is considered that the separation distances will not significantly impact on the amenities of future occupants.
35. The use of bungalows where some of the separation distances are shorter, the proposed layout and the orientation of the buildings will also ensure that the proposed dwellings and existing properties will benefit from good levels of light.
36. The proposed dwellings are a good size internally meeting the standards set out in the Nationally Described Space Standards.

37. It is considered that the proposed development provides good levels of amenities and accords with the requirements of policy DC1.

Design/Streetscene

38. The NPPF requires Local Authorities to deliver a wide choice of high quality homes to significantly boost the supply of housing. The proposed house types provide a varied mix of dwellings including a large number of bungalows which are highly sought after in the town. A large number of the dwellings are two bed properties which are identified as being required in this area of the town in the Grove Hill SPD. However a good number of three bed and some four bed properties are also proposed to meet the needs of a wide demographic. One of the dwelling types is also designed to be accessible for people with reduced mobility. The proposed development includes areas of both hard and soft landscaping including open spaces and communal gardens for residents.
39. The proposed development includes variations in form, density and character through groupings of bungalows, two-storey dwellings and the use of three storey dwellings and corner turners in key areas creating focal points for the development. The proposed dwellings and fenestration within them are orientated to provide natural surveillance of open spaces and pedestrian routes. The communal gardens include high boundary treatments adjacent to the public highway and locked access arrangements which will assist in ensuring a safe environment.
40. The proposed dwellings are contemporary in their design incorporating a number of design features including modern window surrounds, full height windows, dormers that sit within the eaves of dwellings, porch detailing and feature gable elevations.
41. The design of the dwellings reflect the modern properties on the nearby Bishopton Road development but do not copy them. The mix of dwellings and the key design features that are incorporated into each house type will create an identifiable character area. It is considered that the proposed development will complement the existing dwellings and the wider area.
42. The dwellings are appropriate in terms of scale and mass and the plot sizes are appropriate for the site. The density of the development is in line with policy requirements.
43. Footpath links to existing residential areas and within the proposed development are in wide open areas providing good views with good lighting. It is difficult to completely stop antisocial behaviour such as quad bikes and motorbikes from accessing open spaces and pedestrian links as methods to do this also prevent buggies and mobility scooters from using the spaces. However the number of footpath links through the site have been minimised and boundary treatments and hedges are used to provide a physical barrier to some of the open spaces whilst still allowing views over the enclosures to allow for natural surveillance. In other areas high kerbs will be used to prevent vehicles from parking on the open space.
44. Policy CS5 requires all development throughout Middlesbrough to demonstrate a high quality of design in relations to form, layout, character and appearance rather than a specific house selling price. It is the planning view that the proposed development accords with the requirements of Policy CS5, the Urban Design SPD and the Grove Hill SPD.

Flood Risk and Drainage

45. A very small section of the site, located towards the northern end of The Vale, is within flood zone 2 (medium risk). The proposed SUDs pond/detention basin is located in this area and finished floor levels within this area have been set at a minimum of 9.050 Above Ordnance Datum which is 600mm above the existing level.
46. The rest of the site is in flood zone 1, it is at low risk of tidal and fluvial flooding. Notwithstanding this, a drainage scheme has been submitted as part of the Flood Risk Assessment. The drainage scheme will help to reduce the flood risk throughout the site and prevent the development from exacerbating flooding elsewhere.
47. As part of the development will discharge into the Marton West Beck a S106 contribution is being sought towards drainage works in the area and improvements to the Marton West Beck.
48. The Lead Local Flood Authority, Northumbrian Water and the Environment Agency have been consulted and have raised no objections subject to the imposition of relevant conditions relating to the Flood Risk Assessment and drainage details. The proposed development accords with the principles of policies CS4 and DC1.

Environmental Health

49. The Council's Environmental Protection Team have considered the application in relation to noise, air quality and site contamination. No objections have been raised subject to the inclusion of a condition relating to the need for a validation report following the completion of remediation works required on the site. The proposed development accords with the principles of policies CS4 and DC1.

Ecology/Landscape

50. The site is a brownfield site, the majority of which consists of open space and public highways. A preliminary ecology assessment has been submitted in support of the application. It confirms that the site offers little in terms of ecology and confirms that any works to trees on site must take place outside bird nesting season. The ecology assessments also include working method statements in relation to invasive species and hedgehogs setting out any further works and necessary mitigation required to enable the development. If approved conditions will be placed upon the application to ensure the necessary mitigations are carried out.
51. The main part of the site will discharge surface water into the nearby Marton West Beck. The Environment Agency have made some comments in relation to water voles around the beck and the creation of a new outfall. The comments highlight the need for further works to be carried out to determine what impacts the new outfall will have and what mitigation, if any is required. These works will be required by conditions should the application be approved.
52. The proposed development will result in approximately 50 existing trees being removed from the site. The majority of the trees to be removed are classified as low quality and low value in a condition that is only adequate for the short term (i.e. 10 years or less), or poor quality trees. The proposed landscaping scheme includes the planting of trees throughout the site and along all the boundaries of the site in the northern and main central site with more than double the number removed to be planted. The additional planting will mitigate the removal of the existing trees to enable the development. The landscaping scheme will create a green and pleasant environment with green links through the site to the adjacent open space on The Vale.

53. The application is considered to be in accordance with the requirements of policy CS4.

Conclusion

54. This application seeks permission for a sustainable development, which will assist in economic growth in the town, will provide good quality affordable housing and will result in the development of a brownfield site. The proposed layout and dwellings are of a good quality design and will provide a pleasant and sustainable environment. There are no technical objections to the proposal in terms of the sustainability of the site or the ability to meet necessary drainage, highways and ecology requirements.
55. The application site is an allocated site within the approved Housing Local Plan and the proposals meet the policy requirements as set out in this report.
56. It is the planning view that the development will not result in a significant detrimental impact on the amenities of residents or the visual appearance of the area. It will enhance the character of the area to the benefit of the nearby residents and the community as a whole. The proposals do not conflict with local or national policies including those relating to sustainability, design, transport, open space or flood risk. The development will support the delivery of the spatial vision set out in the LDF, particularly the provision of required housing types and economic benefits.

RECOMMENDATIONS AND CONDITIONS

Approve subject to 106 Agreement

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: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

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) Location Plan, drawing no. N81:2727 100 rev. P2;
 - b) Planning Statement (Including Affordable Housing and Renewable Statements), reference no. N81:2727, dated 16th September 2020;
 - c) Proposed Site Layout, drawing no. N81:2727 102 rev. P3;
 - d) Proposed Site Layout Coloured, drawing no. N81:2727 108 rev. P3;
 - e) Proposed Site Layout Topo Removed, drawing no. N81:2727 104 rev. P3;
 - f) Proposed Site Layout Topo Removed – Ground Floor Plan, drawing no. N81:2727 105 rev. P3;
 - g) Proposed Site Layout Housetype Identification, drawing no. N81:2727 106 rev. P3;
 - h) Proposed Materials Plan, drawing no. N81:2727 109 rev. P3;
 - i) Proposed Boundary Treatment Plan, drawing no. N81:2727 110 rev. P3;
 - j) Proposed Parking Plan, drawing no. N81:2727 112 rev. P3;
 - k) Proposed Phasing, drawing no. N81:2727 116 rev. P1;

- l) Vehicle Tracking Mercedes Econic 6x2RS, drawing no. P19-190-3E-ZZ-XX-DR-C-7000-P1;
- m) Affordable Tenure Plan, drawing no. N81:2727 113 rev. P3;
- n) Grove Hill Housetype Booklet, Planning Issue, revision P1 dated 16.09.2020;
- o) Indicative Streetscene, drawing no. N81:2727 300 rev. P1;
- p) Indicative Streetscene, drawing no. N81:2727 301 rev. P1;
- q) Arboricultural Pre-development Report, reference no. ARB/CP/2267;
- r) Arboricultural Impact Assessment, reference no. ARB/CP/2267;
- s) Landscape Management Plan, reference no. P02, dated February 2020;
- t) General Maintenance Schedule Sheet 1, received February 2020;
- u) General Maintenance Schedule Sheet 2, received February 2020;
- v) Planting Strategy Plan, drawing no. N904-ONE-ZZ-XX-DR-0202 rev. P01;
- w) Grove Hill Waste Audit, Smartwaste delivered by bre, received 6th November 2020;
- x) Grove Hill Construction Management Plan, Gus Robinson, rev. B dated 22.02.2021;
- y) Travel Plan, reference no. TSC516-02 rev. 2;
- z) Flood Risk Assessment, reference no. P19-190-C-9000 rev. 1;
- aa) Phase I and Phase II Geo-environmental Assessment, reference no. P19-190 rev. 1;
- bb) Air Quality Assessment, reference no. ENE-0760-Rev0 rev. 001;
- cc) Preliminary Ecological Appraisal, reference no. 19144 rev. V2;
- dd) Working Method Statement – Invasive Species, reference no. 19144 rev. V1; and,
- ee) Working Method Statement – Hedgehog, reference no. 19144 rev. V1.

Reason: For the avoidance of doubt and to ensure that the development is carried out as approved.

3. Materials - Samples

Prior to the construction of the external elevations of the building(s) hereby approved full details (including samples) of the external finishing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

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. PD Rights Removed Means of Enclosure

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no fences, gates, walls or other means of enclosure (other than those expressly authorised by this permission) shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which forms the principle elevation/fronts onto a road, footpath or open space without planning permission being obtained from the Local Planning Authority.

Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based, to protect the visual amenity of the area and in the interests of resident's amenity having regard for policies CS4, CS5, DC1 and section 12 of the NPPF.

5. PD Rights Removed Alterations to Means of Enclosure

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no fences, gates, walls or other means of enclosure

hereby approved shall be removed or materially altered in external appearance in any way without planning permission being obtained from the Local Planning Authority.

Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based, to protect the visual amenity of the area and in the interests of resident's amenity having regard for policies CS4, CS5, DC1 and section 12 of the NPPF.

6. PD Rights Removed Extensions/Alterations and Outbuildings
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no building hereby approved shall be extended or materially altered in external appearance in any way, including additions or alterations to the roof, nor shall any ancillary buildings be erected in the curtilage of any property (other than those expressly authorised by this permission) without planning permission being obtained from the Local Planning Authority.

Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based, to protect the visual amenity of the area and in the interests of resident's amenity having regard for policies CS4, CS5, DC1 and section 12 of the NPPF.

7. PD Rights Removed Hardstanding
Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order), no hardstanding shall be constructed at the front of the residential dwellings hereby permitted, without planning permission being obtained from the Local Planning Authority.

Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based, to protect the visual amenity of the area and in the interests of resident's amenity having regard for policies CS4, CS5, DC1 and section 12 of the NPPF.

8. Landscape Management Plan
The development must be carried out in complete accordance with the documents detailed below:
- a) Landscape Management Plan, reference no. P02, dated February 2020;
 - b) General Maintenance Schedule Sheet 1, received February 2020; and,
 - c) General Maintenance Schedule Sheet 2, received February 2020.

Reason: To ensure a satisfactory form of development in the interest of visual amenity and the character of the area having regard for policies CS4, CS5 and DC1 of the Local Plan and sections 12 and 15 of the NPPF.

9. Replacement Tree Planting
If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: To ensure a satisfactory form of development in the interest of visual amenity and the character of the area having regard for policies CS4, CS5 and DC1 of the Local Plan and sections 12 and 15 of the NPPF.

10. Retained Trees

In this condition retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of five years from the date of the occupation of the final building on site for its permitted use.

- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:1989 (with subsequent amendments)(British Standard recommendations for Tree Work).
- b) If any retained tree is removed, uprooted or destroyed or dies during the period of construction another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the local planning authority. Similarly, if a retained tree dies or needs to be removed within five years of completion, and this is found to have been the result of damage sustained during development, this replanting condition will remain in force
- c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. Retained trees shall be protected fully in accordance with British Standard 5837:1991 (Guide for Trees in Relation to Construction). In particular, fencing must not be dismantled at any time without the prior consent of the local planning authority.

Reason: To prevent the loss of or damage to trees and natural features during the development and to ensure so far as is practical that development progresses in accordance with current best practice having regard for policy CS4 and CS5 of the Local Plan and section 9 of the NPPF.

11. Phasing Plan

The phasing of the development must be in accordance with the approved Proposed Phasing, drawing no. N81:2727 116 rev. P1 or in accordance with a phasing plan to be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include the build route, creation and use of access points including roads, footpaths, cycle paths and bridleways

Reason: In the interests of highway safety and amenity of the area having regard for policy DC1 of the Local Plan.

12. Construction of Roads and Footways Prior to Occupation of Dwellings

No dwelling to which this planning permission relates shall be occupied unless or until the carriageway base course and kerb foundation to the new estate road and footpath to which it fronts, is adjacent to or gains access from, has been constructed. Road and footway wearing courses and street lighting shall be provided within 3 months of the date of commencement on the construction of the penultimate dwelling of the development.

Reason: To ensure appropriate access and egress to the properties, in the interests of highway safety and the amenity of residents having regard for policies CS4, CS5 and DC1 of the Local Plan and sections 9 and 12 of the NPPF.

13. Details of Roads, Footpaths and Open Spaces Required
Notwithstanding the details set out in the approved Proposed Materials Plan, drawing no. N81:2727 109 rev. P3, fully detailed drawings illustrating the design and materials of roads, footpaths and other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the start of construction on each phase of the development. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development and in the interests of highway safety having regard for policies CS5 and DC1 of the Local Plan and sections 9 and 12 of the NPPF.

14. Car and Cycle Parking Laid Out
No part of the development hereby approved shall be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason; To ensure a satisfactory form of development and in the interests of highway safety having regard for policies CS5 and DC1 of the Local Plan and sections 9 and 12 of the NPPF

15. Off-Site Highway Works 1
The development hereby permitted shall not come into use until the highway works detailed below have been carried out in accordance with the submitted drawing(s) Proposed Site Layout, drawing no. N81:2727 102 rev. P3 or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority:
- a) realignment of the The Vale and associated works in order to create a 4 arm signal controlled junction with Toucan crossing facilities
 - b) relocation of the existing bus stops on The Vale consisting of kerb works, widened footway and re-provision of bus stop facilities including shelter, high bus boarder kerbs, bus stop flag and signing/lining associated with the bus stop.
 - c) provision of a 3.6m wide shared pedestrian cycle route along the South side of Keith Road between no.103 Keith Road and the existing Toucan crossing on Keith Road adjacent to St Chad's Church

Reason: In the interests of providing a safe means of access to the site by all modes of transport and to, minimise disruptions to the free flow of traffic having regard for policies DC1 and CS5 of the Local plan and sections 9 and 12 of the NPPF.

16. Off-Site Highway Works 2
The development hereby permitted shall not come into use until the highway works detailed below have been carried out in accordance with the submitted drawings Proposed Site Layout, drawing no. N81:2727 102 rev. P3 or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority:
- a) resurfacing of existing footways around the site boundary to Keith Road, The Vale, Marton Burn Road, Ashfield Avenue, Deepdale Avenue, and Pinewood Avenue together with reinstatement of existing vehicular access points not being reused as part of the development to full height kerb, footway and verge;
 - b) introduction of managed on-street car parking bays with associated street trees and/or landscaping to demarcate the parking areas on Keith Avenue, The Vale, Marton Burn Road, Deepdale Avenue and Pinewood Avenue
 - c) introduction of a point closure with associated kerbing, landscaping and paving to prevent vehicular access on Pinewood Avenue

- d) provision of a 3.6m wide shared pedestrian cycle route along the North side of Keith Road between the junction of The Vale and the existing Toucan crossing on Keith Road adjacent to Deepdale Avenue

Reason: In the interests of providing a safe means of access to the site by all modes of transport and to, minimise disruptions to the free flow of traffic having regard for policies DC1 and CS5 of the Local plan and sections 9 and 12 of the NPPF.

17. Foul and Surface Water Drainage - NWL

Within two months of commencement of development a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

18. Flood Risk Assessment

The development shall be carried out in accordance with the submitted Flood Risk Assessment reference no. P19-190-C-9000 rev. 1 and the following mitigation measures;

- Finished floor levels shall be set no lower than 9.050m above Ordnance Datum (AOD); and,
- Development shall be in accordance with proposed site layout N81:2727 rev. D5.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangement. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with paragraph 163 of the NPPF.

19. Surface Water Drainage Scheme

Within two months of commencement of the development on site a detailed surface water drainage scheme (design and strategy) shall be submitted to and approved in writing by the Local Planning Authority. The scheme should be designed, following the principles as outlined in the Flood Risk Assessment, Dated Feb 2020 (Issue 1) and the development shall be completed in accordance with the approved scheme.

The design of the drainage scheme shall include but is not be limited to;

- (i) The surface water discharge from the development must be limited to a Greenfield run off rate (Q_{bar} value) with sufficient storage within the system to accommodate a 1 in 30 year storm.
- (ii) The method used for calculation of the existing greenfield run-off rate shall be the ICP SUDS method.
- (iii) The design shall ensure that storm water resulting from a 1 in 100 year event, plus climate change surcharging the system, can be stored on site with minimal risk to persons or property and without overflowing into drains, local highways or watercourses.

- (iv) Provide an outline assessment of existing geology, ground conditions and permeability.
- (v) The design shall take into account potential urban creep.
- (vi) The flow path of flood waters for the site as a result on a 1 in 100 year event plus climate change (Conveyance and exceedence routes)

This should be accomplished by the use of SuDs techniques, if it is not possible to include a sustainable drainage system, details as to the reason why must be submitted.

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area having regard for policy CS4 of the Local Plan and section 14 of the NPPF.

20. Surface Water Drainage Management Plan

Within two months of commencement of the development on site, details of a Surface Water Drainage Management Plan must be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include:

- (i) A build program and timetable for the provision of the critical surface water drainage infrastructure.
- (ii) Details of any control structure(s) and surface water storage structures
- (iii) Details of how surface water runoff from the site will be managed during the construction Phase
- (iv) Measures to control silt levels entering the system and out falling into any watercourse or public sewer during construction.

The development shall, in all respects, be carried out in accordance with the approved Management Plan.

Reason: To ensure the development is supported by an appropriately designed surface water disposal infrastructure scheme and to minimise the risk of increased flooding and contamination of the system during the construction process having regard for policies DC1 and CS4 of the Local Plan and section 14 of the NPPF.

21. Surface Water Drainage Management and Maintenance Plan

The development shall not be occupied until a Management & Maintenance Plan for the surface water drainage scheme has been submitted and approved by the Local planning Authority; the plan shall include details of the following;

- i. A plan clearly identifying the arrangements for the adoption of the surface water system by any public authority or statutory undertaker (i.e s104 Agreement) and any other arrangements to secure the operation of the scheme throughout its lifetime.
- ii. Arrangements for the short and long term maintenance of the SuDS elements of the surface water system

Reason: To ensure that the surface water drainage infrastructure is maintained to minimise the risk flooding in the locality having regard for policy CS4 of the Local Plan and section 14 of the NPPF.

22. New Outfall, Water Framework Directive (WFD) Assessment

Development shall not commence in phases 2, 2a, 3 and 4, until an assessment of any potentially detrimental impacts caused by the construction of a new outfall and discharge, with regards to the WFD 2000/60/EC has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented in accordance with the approved scheme.

Reason: To ensure a satisfactory form of development in accordance with the requirements of policy CS4 and paragraph 175 of the NPPF.

23. **New Outfall Preconstruction Survey for Water Vole**
Development shall not commence in phases 2, 2a, 3 and 4, until a survey and plan detailing the protection of/mitigation of damage to water vole populations, a protected species under The Wildlife and Countryside Act 1981 as amended, and their associated habitat has been submitted to the local planning authority. The plan must consider the whole duration of the development from the construction phase through to development completion. Any change to operation responsibilities, including management, shall be submitted to and approved in writing by the local planning authority. The water vole protection plan shall be carried out in accordance with the timetable for implementation as approved.

Reason: To protect the water vole and their habitat within the development site, and to avoid damaging the site's nature conservation value. In accordance with the requirements of policy CS4 and paragraphs 170 and 175 of the NPPF.

24. **Ecology**
The recommendations/mitigation measures as set out in the approved documents detailed below must be carried out on site:
- a) Preliminary Ecological Appraisal, reference no. 19144 rev. V2;
 - b) Working Method Statement - Invasive Species, reference no. 19144 rev. V1;
 - c) Working Method Statement - Hedgehog, reference no. 19144 rev. V1;

Thereafter the mitigation works shall be retained on site in perpetuity

Reason: To protect and enhance the ecology and biodiversity of the site and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development having regard to policy CS4 of the Local Plan and section 15 of the NPPF.

25. **Contaminated Land Validation Report**
Before the occupation of any part of the development hereby approved, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall confirm that all the proposed remediation works set out in the Phase I and Phase II Geo-environmental Assessment, reference no. P19-190 rev. 1 were completed before occupation of any part of the site or units hereby approved.

Reason: To ensure the appropriate decontamination of the site in the interests of safety, local amenity and the amenities of the occupiers of the site having regard for policies DC1, CS5 and section 12 of the NPPF.

26. **Renewables or Fabric First**
The dwellings/buildings hereby approved shall constructed in accordance with the details set out in the approved Planning Statement (Including Affordable Housing and Renewable Statements), reference no. N81:2727, dated 16th September 2020.

Reason: In the interests of sustainable development having regard for policy CS4 of the Local Plan and section 14 of the NPPF.

REASON FOR APPROVAL

The proposed development of housing is considered to be appropriate for both the application site itself and within the surrounding area, in that the proposal is in accordance with national and local planning policy guidance.

The relevant policies and guidance is contained within the following documents: - National Planning Policy Framework 2012 - Middlesbrough Local Development Framework (LDF) - Core Strategy (2008); Regeneration DPD and Proposal Map (2009) - Middlesbrough Housing Local Plan, Housing Core Strategy and Housing Development Plan Document (2014). The development is considered to be in accordance with policies H1, H3, H11, H19, H31, CS4, CS5 and DC1 of the Local Plan.

In particular, the proposal meets the national planning policy framework and guidance, in that the proposal is for a housing development that would not be out of scale and character within the surrounding area, and would not be detrimental to the local and residential amenities of the area. Issues of principle regarding development on an allocated site, the layout and design of the housing scheme and the generation of traffic, have been considered fully and are not considered, on balance, to give rise to any inappropriate or undue affects. Accordingly, the Local Planning Authority considers that there are no material planning considerations that would override the general assumption that development be approved unless other material factors determine otherwise.

INFORMATIVES

Discharge of Condition Fee

Under the Town & Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2018, the Council must charge a fee for the discharge of conditions. Information relating to current fees is available on the Planning Portal website <https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>. Please be aware that where there is more than one condition multiple fees will be required if you apply to discharge them separately.

Cleveland Fire Brigade

Cleveland Fire Brigade offers no representations regarding the development as proposed, however Access and Water Supplies should meet the requirements as set out in: Approved Document B, Volume 1:2019, Section B5 for Dwellings.

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 1 Section B5 Table 13.1.

It should be confirmed that 'shared driveways' and 'emergency turning head' areas meet the minimum carrying capacity requirements as per ADB Vol 1, Section B5: Table 13.1, and in line with the advice provided regarding the CARP, above.

Name and Numbering

Should the development require Street Names, Numbers and/or Post Codes the developer must contact the Councils Naming and Numbering representative on 01642 728155.

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.

Cleaning of 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.

Construction Noise

The applicant should be aware that noise from construction work and deliveries to the site may have an impact upon local residential premises. The applicant may if they wish to apply for a prior consent under the Control of Pollution Act 1974 Section 61 with regard to working hours at the site. The applicant can contact the authorities Environmental Protection service for more details regarding the prior consent process. The hours that are recommended in the Control of Pollution Act for noisy working are 8am-6pm Mon-Fri, 8am-1pm Saturday and no working Sundays and Bank holidays.

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.

Highways Materials

For the avoidance of doubt the highways materials detailed in the submitted plans associated with this application have not been approved by the Local Highways Authority. The materials will be considered by the Local Highway Authority during the adoption process. Any roads/footpaths constructed from materials not agreed by the LHA will not be formerly adopted.

Adoption of Highway - S38

The applicant is advised that prior to the commencement of works on site they should contact the Highway Authority (01642 728156), with a view to preparing the necessary drawings and legal work required for the formal adoption of the new highway layout. The S38 Agreement should be in place prior to the commencement of works on site.

Works to Highway - S278

The proposals will require alterations to the existing highway and as such will require an Agreement under Section 278 of the 1980 Highways Act. The applicant is urged to consult early with the Highway Authority (tel: 01642 728156) to discuss these proposals. This agreement must be completed and in place before work commences.

Extinguishment of Highway

Implementation of this proposal will require the extinguishment of publicly maintainable highway. The extinguishment process is a separate Legal process to the granting of planning consent and is not guaranteed to be successful. Extinguishment must be commenced before any work is commenced in the vicinity of the affected area and takes in the region of 6 months to complete.

For further information contact the Highway Authority (tel: 01642 728153).

Highways Consent/Licence

The permission hereby granted should not be construed as authority to place signage, skips, scaffolding, hoarding or building materials within the public highway nor allow cranes/structures to oversail the public highway. Highways consent and the appropriate licence(s) are required prior to these activities.

Further information can be found at;

<https://www.middlesbrough.gov.uk/parking-roads-and-footpaths/roads-and-highways/highway-licences>

or contact the Highway Authority (tel: 01642 728153).

Discharge into Watercourse/Culvert

The applicant is advised that any discharge of surface water into a watercourse or culverted watercourse requires consent from the Local Authority.

Culvert or Bridge Existing Watercourse

Any proposal to culvert or bridge an existing watercourse, or part thereof, requires the express consent of the Local Authority.

Sustainable Drainage Systems

Sustainable Drainage Systems (SuDS) should be considered when designing drainage, driveways and car parking areas.

Permeable Surfacing

Guidance on permeable surfacing of front gardens is available on the Communities and Local Government Website: www.communities.gov.uk

Building Regulations

Compliance with Building Regulations will be required. Before commencing works it is recommended that discussions take place with the Building Control section of this Council. You can contact Building Control on 01642 729375 or by email at buildingcontrol@middlesbrough.gov.uk.

Where a building regulations approval is obtained which differs from your planning permission, you should discuss this matter with the Local Planning Authority to determine if the changes require further consent under planning legislation.

Case Officer: Shelly Pearman

Committee Date: 5th March 2021

Appendix 1 – Proposed Site Plan



Appendix 2 – Artist's Impression



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APPLICATION DETAILS

Application No:	20/0692/FUL
Location:	Ryehill House East Brass Castle Lane Middlesbrough TS8 9ED
Proposal:	Permanent siting of restored railway carriage for use as guest accommodation
Applicant:	Mrs Susan Holmes
Agent:	Mr M Carr
Ward:	Marton West
Recommendation:	Approve with Conditions

SUMMARY

The application seeks planning approval for the permanent siting of a restored railway carriage for use as self-catering guest accommodation.

The key issues with the application relate to design, appearance and siting of the proposed railway carriage, impacts of the surrounding landscape, along with access/egress arrangements, parking provision, and the waste storage.

Following consultation seven objections have been received in relation to the proposal raising issues including the visual impact of the development on the character of the area, traffic, refuse and drainage.

It is considered that the railway carriage and its proposed use will not prejudice the character and function of the local area or the open countryside and will not significantly affect the special landscape area or prevent adequate and safe access to the site. The use will complement the rural and agricultural uses of the area and it will not be detrimental to any surrounding or nearby properties. The traffic generated, car parking and noise associated with the use will not be of a level likely to result in an unacceptable impact on nearby premises.

SITE AND SURROUNDINGS AND PROPOSED WORKS

Ryehill House is a two-storey property accessed off a private driveway on the south side of Brass Castle Lane. The application site is one of a small number of properties in this local area, which is principally characterised by open countryside and copses of trees and other landscaping. Recent development of the Bridlewoods development of 5 houses will, when complete, somewhat alter the character to the north of the site.

The application seeks planning consent for the permanent siting of a restored railway carriage for use as guest accommodation in association with the main building.

PLANNING HISTORY

20/0259/DIS Discharge of condition 2 (Scheme for storage & removal of refuse) and condition 4 (Parking plan) on planning application 17/0419/COU
Full Discharge Conditions - 17th June 2020

17/0419/COU Change of use to Bed and Breakfast
Approve with Conditions - 1st December 2017

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:

Housing Local Plan (2014)

H1 Spatial Strategy

Core Strategy DPD (2008)

CS4 Sustainable development

CS5 Design

DC1 General Development

Saved Local Plan Policies

E20 Limits to Development

E21 Special Landscape Areas

Minerals and Waste

MWC4 Deep Minerals – Salt

MWC4 Shallow Minerals

Other

Middlesbrough's Urban Design Guide

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

Planning Policy -

The use as guest accommodation is in-keeping with the use of the main building and is therefore an appropriate use in this location. Careful consideration must be given to the siting of the railway carriage in relation to this special landscaped area, should it be

considered that it would distract from the quality of the landscape or is detrimental to the character and appearance of the surrounding area, it could be contrary to policy.

Highways –

No objection

Environmental Health –

No Comments

1 Ryehill Farm Cottage , Brass Castle Lane

Loss of privacy/ Traffic /Highway safety/Parking provision

The B&B and Café situated next to my cottage creates a lot of traffic. The guests often travel passed my cottage to gain access to the B&B. I have installed a gate to stop this happening however the Holmes family refuse to shut the gates leading to the farm and my cottage. The also instruct guests to leave through the farm, which results in traffic passing by my cottage at all hours. I do not have a path, my cottage leads straight to the drive. I have attached images of guests and delivery drivers passing. With two small children and two dogs this creates a lot of disruption. The noise upsets my dogs who then bark. I am worried about the increased traffic should the above plans be given the go ahead. The speed in which people pass in their cars is also a worry, I have CCTV footage of this as we have had it installed due to safety worries.

Susan Holmes requested in the original planning in 2018, a one way system for guests to travel through the B&B drive way, passed my cottage and through the farm yard onto the private road, which then leads back onto Brass Castle Lane. This provided concerns for the council so it was withdrawn by Susan Holmes. It has however been the way in which guests often enter, it continues to be a major issue for myself and two young children. Gates being left open by guests makes the farm and my cottage unsecure and encourages people to enter.

Guests park outside my cottage, often blocking access for myself and parents next door. We have had verbal abuse from the Holmes family and guests when asking them to keep access clear and to not park in my parking area. Parking planning was submitted in May 2020 for the B&B guests which is not followed. It showed that there was no resident or guest parking in the drive outside our homes, again this is not the case. The Café that is currently being run creates more traffic as this was not in any plans. The café can be seen from their website and on social media. This is used daily dog walkers and passers-by. It has resulted in foot traffic passing my cottage into the private farm yard. We have dog waste being left and dogs running on private land off lead which is a concern.

Guests and delivery drivers often turn in the area outside my home, which results in cars edging within inches to my front door. I worry for the safety of myself and family when leaving my home.

Adding more guest accommodation is a major worry as there is not enough parking for the Holmes residents and B&B guests. This is without taking into account the Café guests.

Noise

With the Café creating gatherings on the patio to the rear of the property in larger numbers, it can become very loud during the daytimes. Music can often be heard on an evening/night time as well as drunken guests in the hot tub etc. I am concerned about the increase in guests and how I foresee it creating my noise for ourselves. Again the noise from cars

leaving, often late at night wakes my son regularly as his bedroom is above the drive way guests have been using.

Government Policies

The Holmes family have never contained their waste, recycled or stored it correctly! I have an ongoing complaint within the refuse team, a Bupa bin has been stored outside our property with overflowing rubbish which has been there since January 2019. Not just the bin but the waste itself. I have photos which I will attach. I am beyond frustrated that this is still an ongoing issue and this creates vermin problems for myself and parents living next door. They do not adhere to Government waste guidelines, they dispose of waste on their land, they burn waste regularly that then creates smoke that blows into our open windows and onto our washing outside.

The Holmes family also operate a food produce company which they then dispose of rubbish from this onto their land. I am at a loss as to how this is still happening and how adding further guests will impact on this.

Planning was never submitted for The Café which runs for passing guests and they also serve alcohol to on an evening. This has resulted in drunken guests leaving Ryehill house late at night.

Appeals and Previous decisions

It has been the trend that what is submitted for planning has not been what has come to pass and I worry about what will happen if this planning is approved. Susan Holmes is unapproachable and shows little regard for her neighbour's safety. I have attached photos of guest's vehicles parking outside my home, passing by my front within a few inches and delivery drivers gaining access through the farm yard passing my property alarmingly close in a lorry.

East Close Farm, Sedgefield,

We are the owners of the agricultural land adjoining the proposed development site. Having studied the planning application, we would like to make the following comments:

It is stated that foul sewage is to be disposed of by septic tank but we understand that regulations changed on 01/01/2020 and now a sewage treatment plant needs to be installed for a new development.

The site can be seen from the footpath approximately 400m to the south of the development and also quite easily seen from Brass Castle Lane, especially since the 'non-existent' trees on the site are in the process of being felled and logged. We saw this for ourselves when we visited the site on 8th January.

No mention is made regarding the supply of mains water and electricity to the site, so presumably, both supplies will be required by guests staying in the carriage and electricity for lighting the surrounding area. Again, this will be very noticeable from Brass Castle Lane. The person who completed the planning application obviously knows very little about siting a heavy object onto bare land. Materials required for vehicle access and hard standing are put on the form as 'not applicable'.

In its permanent position, will the carriage wheels be sited on railway lines supported by sleepers or will the wheels be placed directly onto the ground? In either case, because of the large size and weight of the carriage, it will be necessary to remove many tonnes of soil from the final position and replace with many loads of stone in order to establish a hardcore base. Without this solid base the carriage would be dangerously unstable and sink into the soft ground. The crane brought in to move the carriage will also require an area excavated and filled with hardcore to act as a crane pad for lifting the carriage from the delivery vehicle and repositioning it on its final site. This crane pad will need to be plate tested before any work commences for safety reasons.

Finally, and most importantly, does the restored railway carriage have a safety certificate covering the materials with which it is constructed?

We ask this question because, when the carriage was built back in the 1950's, the main material used at that time for insulation purposes was asbestos. If this is still present within the body of the carriage then it has the potential to become a serious hazard to public health, the health of any guests staying in the carriage and also to the wider environment.

The carriage is already 70 years old and obviously not as robust as when it was first constructed. It is intended that this will be situated in an exposed position open to all weather conditions which, most probably, will cause further deterioration. The only way to prevent any future incidents would be to insist that all hazardous materials including asbestos are removed before the carriage is delivered to site. This should be part of any planning approval conditions.

In our opinion there are two noteworthy features on the Ryehill House site, one being Ryehill House itself and the other being the beautiful tree-lined entrance road surrounded by attractive, mature woodland on either side. By their own admission the applicants have stated that the carriage is not suitable to be placed near to the house. Why therefore, will it be suitable to place it on or near the other site of outstanding beauty?

3 Bridlewoods, Brass castle Lane, Marton, Middlesbrough

I object to the proposed scheme at the entrance to Ryehill house/Bridlewoods. I feel that should this be allowed it will have a detrimental impact on the aesthetics of the surrounding area. Not only this but given that its location at the entrance gates, which are permanently open, is clearly visible from the road a used railway carriage would likely attract antisocial behaviour when uninhabited.

Although I am not in the hospitality industry, I am concerned that should this idea prove not to be a viable business investment what then will happen to a permanently sited railway carriage? In this case I expect if planning was granted for the permanent siting of the carriage it would be more cost effective for the owner to simply leave it to rot.

I do not object to the principal of a railway carriage being used for accommodation, however I feel it could be better sited out of public view, within the grounds of the house, to avoid loss of privacy and amenity to the Bridlewoods Development. Therefore I urge the council not to approve this application at the entrance to my home.

1 Bridlewoods Brass Castle Lane Marton Middlesbrough

I would like to lodge an objection to the proposed siting of a former railway carriage next to my, soon to be built, new home.

Myself and my architect have spent a lot of time and effort on the design of my new property in order to appease concerns raised by the planning department and local residence. The design we now have approval for is for of a semi sunk courtyard property with a sedum roof. This specialised design will add great cost to the build but massively reduce its visual impact. I feel this will have all been a waste of time, effort, and money if this application is approved.

I urge the planners and the committee to consider the detrimental impact on the surroundings, my property being overlooked, the integrity of the bridlewoods development and the fact that the application is against the local development plan. I feel should the proposed railway carriage be given the in-depth consideration my property had it will surely be declined on the grounds of its impact on the surrounding areas.

Kelt Properties LTD - Developer of Bridlewoods, Brass Castle Lane, Marton, Middlesbrough TS8 0UF

We object to the siting of a railway's carriage at Ryehill house. If this application were to be approved, it would have a detrimental effect on not only the whole Bridlewoods development but also the surrounding area of brass castle lane.

The chosen location is clearly visible from brass castle lane and the bridlewoods development. Not only that but it seems clear that tree felling is required to house the carriage and make provision for car parking thus increasing its visibility.

We have been sympathetic to the 'countryside' location in our development of Bridlewoods. Every provision has been made to make sure not only does our development have a reduced impact on the area but also improves it where it can. We feel our efforts and investment will have been wasted should the council/committee allow a used railways carriage to take up a prime position directly at the entrance to bridlewoods.

4 Bridlewoods, Brass Castle lane

I wish to object to the planning application for the following reasons.

1. The carriage to be in full view from Brass Castle Lane.
2. An area of natural beauty with no history of railways.
3. Railway carriage not in keeping with other buildings on brass Castle Lane.
4. Adverse effect on the landscape.
5. Further accommodation if needed should be located nearer to the property.
6. Any accommodation needed should be of brick build.

I would also like to add that I am building my house in an area of natural beauty and I believe this would hinder the landscape terribly. For these reasons I wish to strenuously object to the planning application. I am also prepared to speak at any planning committee meeting or hearing.

2 Ryehill Farm Cottage, Brass Castle Lane

After reading all relevant documents concerning the planning application for permanent siting of a railway carriage for use as guest accommodation, I have very serious concerns. The small courtyard area directly in front of my home is owned by Mr and Mrs Holmes and they have access across the farmyard to Brass Castle Lane. Despite voicing our concerns over the volume of customers and deliveries passing my cottage, it continues to happen. Customers and delivery drivers do not have access through the farm, only residents, and the Holmes family instruct them to do so. The customers also use the area in front of our home to turn, which is extremely unsafe and results in them pulling within inches of our cottages. I have had 2 cars hit my parked vehicle and customers regularly move our property to allow for enough room to turn around, including our wheelie bin and wheelbarrow. Customers often park in front of our cottage, often blocking our access and blocking our cars in. We have 2 young grandchildren living next door and the vehicles manoeuvrings and speed give me great cause for concern. The parking planning submitted in May 2020 for the B&B states that the parking is situated alongside the Holmes residence and there is ample room for turning, this is not the case. There is also a drop in cafe situated within the B&B that results in not only customers arriving in cars but also on foot as there is a public walkway running through the farm, these customers use private land to access the cafe often leaving farm gates open.

The Holmes residence fail to contain their waste and store refuse which I contacted the Refuse department regarding this in October 2019. This then went to the complaints department as even after the bin storage planning was submitted in May 2020, it still was not adhered to. This is an ongoing problem. It has created a vermin problem for myself. I had a consultation with a pest controller who identified that the tunnelling is coming from the Holmes land and that the waste collecting in front of my property is the food source. The Bupa bin outside has been there for 1 year, without being emptied in this time. I worry about the effect more customers would have on this issue.

The site states that there is available space for the railway carriage to be erected yet there has been mature trees felled and disposed of onto the private farm land running alongside of the Holmes property. Mr Holmes clearly states on the application that no work has yet been started.

Now as I type this during another nation lockdown, I have had 3 different cars pass through the farm yard from the Holmes residence, 2 of which are not the Holmes family. I have not seen these vehicles before or the people opening our gates to access the Farm yard. Both leaving Gates open as they go. The Holmes family want to add parking do their large existing drive way yet often refuse to customers to access it, which confuses me as to how more customers will not add to our existing problems. I have had CCTV installed for our own safety and will attach images for you to see that the large numbers of traffic are causing major safety worries and stress for ourselves.

Public Responses

Number of original neighbour consultations	12
Total numbers of comments received	7
Total number of objections	7
Total number of support	0
Total number of representations	0

PLANNING CONSIDERATION AND ASSESSMENT

Overview

1. The application before Members is a full application for the permanent siting of a restored railway carriage as guest accommodation in addition to the current bed and breakfast use of the main building, Ryehill House East. The main issues to consider with the application are the principle of the use of the application site, the siting and design/appearance of the restored train carriage, vehicular access/egress arrangements, and the potential impacts on the residential amenities of the occupiers of neighbouring properties. These and other material planning considerations are considered as follows.

Relevant National and Local Policies

2. National guidance relating to development that supports economic prosperity in rural areas is contained within the National Planning Policy Framework (NPPF). Local authorities are encouraged to recognise the role that rural areas play in supporting the local economy, and to encourage and support economic growth in rural areas. The NPPF recommends that local authorities take a positive approach to sustainable new development in order to create jobs and prosperity in these rural areas. Local authorities should also support and promote the development and diversification of rural businesses, as well as to support sustainable rural tourism that bring benefits to the rural area.
3. The relevant policies in the Local Development Plan regarding this application are DC1 (General Development) and CS4 (Sustainable Development) and CS5 (Design) of the Core Strategy (adopted 2008), H1 (Spatial Strategy) of the Housing Local Plan DPD (adopted 2014) and E20 (Limit to Development) and E21 (Special Landscape Areas) of the Local Plan (adopted 1999) and MWC4 (Minerals and Waste). Policies DC1 and CS4 seek to achieve high quality development that is situated in the right place and minimises the impact on neighbouring occupiers.

4. The application site is located close to the southern edge of the borough, beyond the limit to development and within defined special landscape area. Any proposed development beyond these boundaries must be considered against the criteria within Policies E20 and E21. Policy E20, in the interests of protecting the open countryside. These policies identify a limit to development beyond which development will be strictly controlled, with allowable development referenced as including tourism proposals which are compatible in scale, materials, and appearance with a rural setting and designed to be integrated with the surrounding landscape.
5. Policy E21 determines special attention will be given to the protection and conservation of the scenic quality and character of the landscape in the areas designated as Special Landscape Areas. With development only permitted where it will not detract from the special scenic character and quality of the landscape, is of a high standard of design and is carefully located to reflect the traditional scale and character of buildings and landscape in the area and that the use of material is sympathetic to the locality, and does not have a detrimental impact on features important to the landscape, such as trees and hedges.
6. Policies CS4 and CS5 require development to demonstrate sustainability and high quality design, preserving the character or appearance of areas of special interest. Policy DC1 requires development to take account of the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials.

Proposal and principle of the development

7. The proposal seeks the permanent siting of a classic railway 'sleeper' carriage for guest accommodation associated with the existing bed and breakfast venue operating from Ryehill House East, which is a large country home. In terms of the actual train carriage its internal fixtures and fittings will be updated, restored and intended to be renovated to provide modern luxury accommodation to offer visitors to the town and rail enthusiasts the unique experience to be accommodated overnight in a traditional sleeper carriage. Externally there will be no additional buildings or fabrication added to the carriage. The carriage is approx.. 21m in length, 4m in width and 4m in height. The train carriage is intended to sit separately to Ryehill House East adjacent the private road, to the north of the site but south of Brass Castle Lane. Access to the site will be via the existing entrance to Ryehill House, off Brass Castle Lane. Car parking for carriage guests will be available immediately inside the gate. The carriage will be for the use of self-catering guests accommodating one or two families at any one time for stays between 3 and 7 days.
8. In principle, the proposed development is considered to be in accordance with the national guidance, as it would bring people and visitors to the area and support, not only the immediate rural economy, but also the wider economy, albeit on a small scale.
9. The countryside at this location is defined in part by the nature and appearance of Brass Castle Lane, a rural road without footpaths, as well as the golf course, open fields and areas of wood / copses. The recently approved and partially developed Bridlewoods development will represent a clear change in character to this area, providing 5 houses, and entranceway / feature adjacent to Brass Castle Lane in close proximity to the application site. These changes will therefore create a less rural aspect to the wider site setting. The train carriage will be visible from outside of the site to some degree, adding an interesting feature within the landscape which is

complimentary to the other tourist and accommodation attractions in this location. However the immediate area is lined with trees and the surrounding area is heavily wooded. Given the size, scale and location of the carriage the significant landscape features would continue to dominate the local landscape and would provide a backdrop of trees from several aspects. It is therefore considered that this small scale proposal would therefore have only a low impact on the special landscape and scenic character of the area which is considered to be acceptable without undermining the principles of saved Local Plan Policy E21.

Impacts on Privacy and Amenity

10. The proposed holiday accommodation unit is set away from other residential properties by sufficient distance to prevent this proposed residential use having an undue impact in relation to privacy and amenity. Access/egress arrangements, parking provision, and waste storage that are associated with this type of accommodation and its operation must also be considered, and it is noted that a number of concerns have been raised by occupiers of neighbouring properties with regards to the current arrangements at Ryehill House East. However it is noted that these concerns largely refer to the existing Bed and Breakfast use at the main building rather than at the proposal site which although is a similar use will operate separately and will occupy a fairly secluded position to the north of the main building away from existing residents.
11. The supporting documentation contained with the application is limited although given the size of the site the limited traffic which is likely to attend the accommodation, the need for only a limited amount of parking, and waste storage arrangements can all be reasonably accommodated within the curtilage of the site without detrimentally affecting the character and appearance of the open countryside or amenities associated with neighbouring properties. A condition is recommended to address these matters. In principle, therefore, the proposed development is considered to be acceptable and in line with Policy E20, CS4 and DC1 in these regards.

Highways impacts

13. Highways concerns have been raised by various local residents. The site plan submitted in support of the application, indicates that guests arriving to the site will enter via the private track road south of Brass Castle Lane and that six parking spaces will be made available for guests adjacent the train carriage, three either side of the road, although it is anticipated there will only be two spaces required at any one time. Assuming guests would use the carriage as a base and would go out on day trips, the guests would exit and enter once or twice per day. Access and parking arrangements in association with the carriage accommodation are adequate in this case and will have minimal impact on other residents in this area. There are no Highway objections to the use and siting of the railway carriage in accordance with DC1.
14. Concerns have been raised in respect of the carriage being brought to site and the impacts this will have. This is not specifically a material planning consideration unless it requires specific development works requiring permission for this to be undertaken. The applicant has advised that it will be winched on rails from a roll on roll off lorry rather than craned in and it is considered this is likely therefore to have only a temporary implication. Any operations in or adjacent to the highway by the haulier or others will need to adhere to relevant highway legislation / safety requirements.

Trees

15. Concerns have been raised regarding a number of trees that have been recently removed on site. The applicant has confirmed that two large trees have been felled, one that was leaning dangerously and was unsafe and one that was diseased and unsafe with further suggestion that hedge trimming and removal of small self seeders will continue as part of normal annual maintenance. There is no specific requirement for trees to be removed as part of this scheme and the surrounding trees are not protected by TPO status.

Other Matters

16. The applicant has advised that they have made tentative enquiries regarding drainage. The two options available are Mains Drainage or a septic tank but have yet not had a quotation for either option but will choose one or the other. As such a condition is recommended to address this matter
17. Waste and recycling from the site will need to be left at the nearest highway point (Brass Castle Lane) for collection. The commercial waste bin is also sited just inside the Ryehill House entrance, and will be available for Carriage Guests to use. The bin is currently emptied weekly. The contract could be amended should the need arise.

Conclusion

18. On balance, the proposal is considered to constitute an acceptable form of development and the provision of relatively unique guest accommodation within the site of existing tourist accommodation is considered to complement the offer without unduly undermining the rural and agricultural character of the area. The use as guest accommodation is in-keeping with the use of the main building and is therefore an appropriate use in this location.
19. Overall, the principle of the use and siting of the train carriage is considered to be acceptable, and the detailed matters of the highways implications, parking arrangements and waste storage are not considered to result in harm to the local rural area, which is designated as a special landscape area and beyond the limit of development. Officer recommendation is to approve subject to conditions.

RECOMMENDATIONS AND CONDITIONS

Approve with Conditions

1. **Approved Plans**
The development hereby approved shall be carried out in complete accordance with the plans and specifications below and shall relate to no other plans.
 - a. Location plan received 16th December 2020.
 - b. Carriage details received 16th December 2020.
 - c. Proposed site plan (showing access, parking provision and refuse arrangement) received 22nd February 2021.

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

2. **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.

3. Removal of carriage

The carriage shall be removed from site when no longer used or required as holiday accommodation for more than a 12 month period.

Reason: To prevent the building having an unjustified impact on the character of the area and to retain the character of the area outside the development limits.

4. Drainage, Waste Storage, Vehicle Parking & Carriage base

The development hereby approved shall not be brought into use until schemes for foul and surface water drainage, waste receptacle storage, vehicle parking and a base on which the carriage will stand have been submitted to and approved in writing by the local planning authority. The approved development shall only be used whilst the approved schemes of drainage, waste storage and vehicle parking are provided and operational. Should the carriage be removed from the site in accordance with the requirements of conditions hereby imposed or for other reasons, then any areas, equipment and any structures associated with drainage, waste receptacles, vehicle parking and carriage base, as approved by this condition, shall be removed from the site within 3 months of the carriage being removed.

Reason: To prevent long term unjustified impacts on the character of the area from the approved matters.

REASON FOR APPROVAL

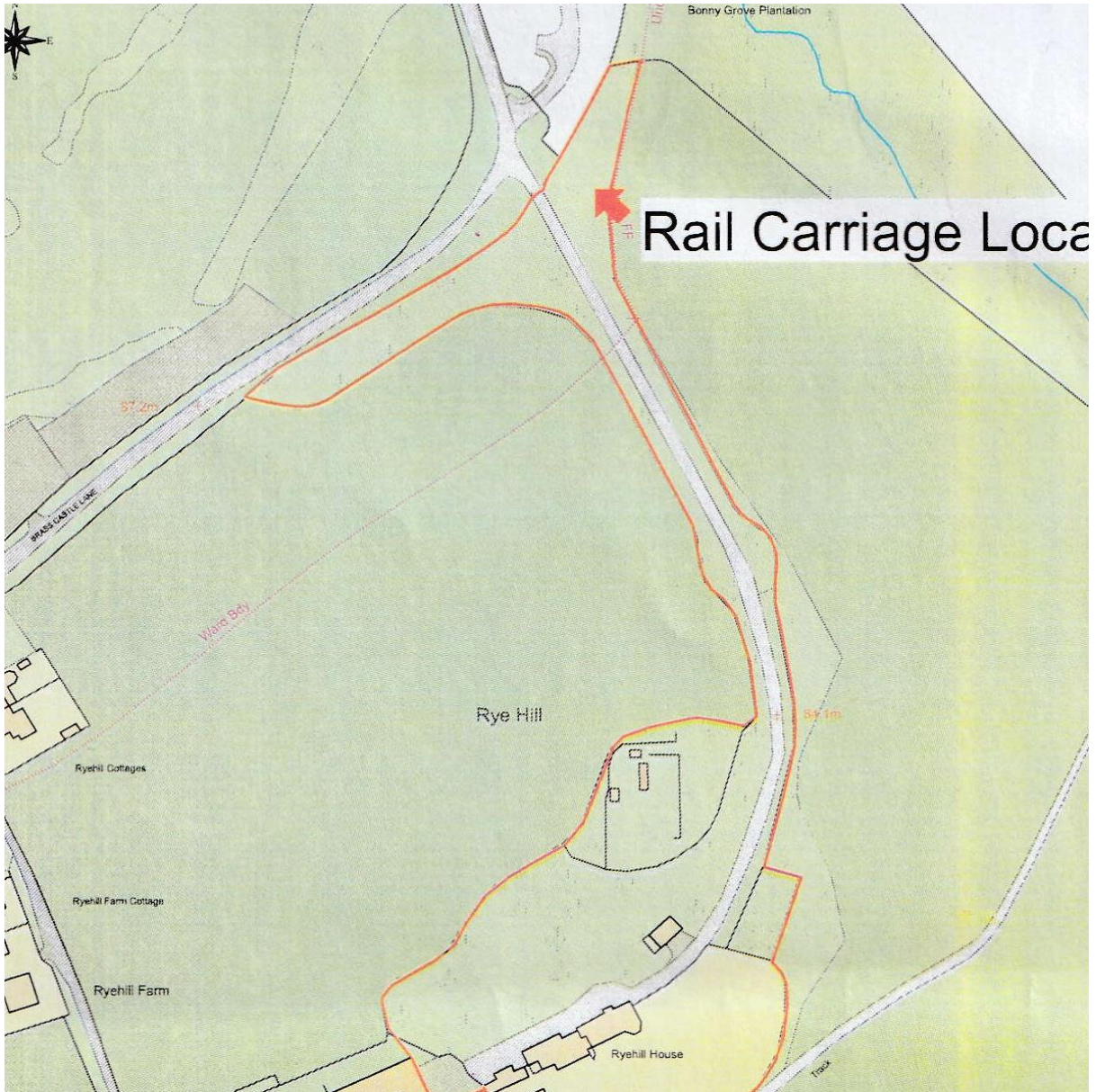
This application is satisfactory in that the siting of the railway carriage for use as guest accommodation accords with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policies DC1 (General Development) and CS4 (Sustainable Development) and CS5 (Design) of the Core Strategy (adopted 2008), H1 (Spatial Strategy) of the Housing Local Plan DPD (adopted 2014) and E20 (Limit to Development) and E21 (Special Landscape Areas) of the Local Plan (adopted 1999) and MWC4 (Minerals and Waste).

In particular, the railway carriage and its proposed use will not prejudice the character and function of the local area or the open countryside and will not significantly affect the special landscape area or prevent adequate and safe access to the site. The use will complement the rural and agricultural uses of the area and it will not be detrimental to any surrounding or nearby properties. The traffic generated, car parking and noise associated with the use will not be of a level likely to result in an unacceptable impact on nearby premises.

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.

Case Officer: Joanne Lloyd

Committee Date: 5th March 2021



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