
APPLICATION DETAILS

Application No:	24/0031/FUL
Location:	Penrhyn, Cedar Drive, Middlesbrough, TS8 9BY
Proposal:	Renewal of planning permission for detached dwelling with garage
Applicant:	P Chow
Ward:	Stainton And Thornton
Recommendation:	Approve with Conditions

SUMMARY

This application seeks the erection of a single storey, three-bedroomed detached dwelling.

This application is identical to previously approved applications to construct a single storey, detached dwelling with surfaced driveway and detached triple garage. Vehicular access will be via the unmade private access drive from Cedar Drive

The proposal has been assessed against local policy and guidance and is considered to be a high quality development that is in keeping with the surrounding area. Given its design and relationship to surrounding properties it will not have any significant impact on the amenity of nearby residents. 12 Neighbours have been consulted with no comments or objections. All other issues raised have been considered but do not justify refusal of planning permission.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The site is part of the former Whitewings poultry farm which lies to the southwest of the village of Thornton. The application site is an undeveloped area of land located outside of the limit to development in the south of the borough. It lies within a group of residential properties accessed off an unmade access way off Cedar Drive that serves seven dwellings. The site is bounded by residential properties to the north-west, west and south-east. An un adopted access track to the properties to the south-east runs along the north-eastern boundary with residential properties beyond.

Officer Site visit: 17th December 2024

PLANNING HISTORY

20/0773/FUL – Renewal of planning permission for erection of 1 no detached dwelling with garage. Approve with Conditions.
16th February 2021

17/0782/FUL – Renewal of planning permission for erection of 1 no detached dwelling with garage. Approve with Conditions.
5th January 2018

M/FP/0989/14/P – Erection of 1 no dwelling with detached garage. Approve with Conditions.
14th November 2014

M/FP/0979/11/P – Erection of 1 no dwelling with detached garage. Approve with Conditions.
2nd November 2011

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).
- Stainton and Thornton Neighbourhood Plan (2022)

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
E20 - Limit to Urban Development
UDSPD - Urban Design SPD

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.
<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

CONSULTATION AND PUBLICITY RESPONSES

Middlesbrough Council Highway Planning
No objection.

Middlesbrough Council Lead Flood Authority
No comments received.

Middlesbrough Council Environmental Health
No comments.

Middlesbrough Council Waste Policy
As the property is serviced by a private drive all waste and recycling receptacles will be required to be made available for collection at the nearest public highway, next to 28 Cedar Drive and 34 Cedar Drive. It is noted that the number of properties serviced from this private road will result in multiple waste and recycling receptacles located on Cedar Drive for collection.

Middlesbrough Council Strategic Policy

The application site lies beyond the limit to development, and it is not considered that the proposal accords with Policies E20 and E22. That said, it is acknowledged that the original planning consent granted for a detached dwellinghouse and garage on the site, and the subsequent renewals, have established the principle of development. What's more, the development would occupy an area of land which is surrounded by existing development, which all appears to be residential in nature. It may therefore be considered that the proposal would not have a detrimental impact on the open countryside which Policies E20 and E22 aim to protect. In the period since the proposals previous renewal, it is deemed that there has been no significant amendment to planning policy. That said, the Stainton and Thornton Neighbourhood Plan was recently adopted in 2022. The development's adherence to this neighbourhood plan should therefore be considered.

Ward Councillors

No comments received.

Parish Council

No comments received.

Stainton and Thornton Community Council

No comments received.

Cleveland Police

Cleveland Police encourages applicants to build/refurbish developments incorporating the guidelines of Crime Prevention Through Environmental Design (CPTED). I would like to make you aware that Cleveland Police operate the "Secured By Design" initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments. I recommend applicant actively seek Secured By Design accreditation, full information is available within the SBD Homes 2023 Guide at www.securedbydesign.com I encourage contact from applicant/agent at earliest opportunity, if SBD Certification is not achievable you may incorporate some of the measures to reduce the opportunities for crime and anti-social behaviour.

Northern Gas Networks

No objections.

Natural England

No objections.

Public Responses

Number of original neighbour consultations: 12

Total numbers of comments received: 0

Total number of objections: 0

Total number of support: 0

Total number of representations: 0

PLANNING CONSIDERATION AND ASSESSMENT

Policy

1.0. The proposal should be assessed against policies set out in the Development Plan where relevant. Policies DC1, CS4 and CS5 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. Saved

Policy E22 is also relevant and deals with new housing beyond the Limit to Development and E20 defines the Limit to Urban Development and is therefore also relevant. The Supplementary Planning Document 'The Middlesbrough Urban Design Guide' which sets out the principles by which high quality development can be achieved is a further relevant document.

Principle

- 2.0. The principle of residential development was established in outline planning permission M/OUT/1573/98/P which was granted subject to a Section 106 Agreement. The application was approved notwithstanding that the site was outside the limits to development in order to secure the planning gain of removing the former poultry farm which was creating nuisance and disturbance to surrounding residential properties. Subsequent detailed applications were approved as outlined in the planning history, the latest being in 2020. There have been no policy changes since the previous approval that would indicate that the application should now be considered differently.
- 3.0. The proposed dwelling is considered to reflect the character of the dwellings in the immediate vicinity by respecting the scale, density, proportion, form and materials of surrounding built form. As it is a single dwelling of less than two stories, it is not considered to contribute to the coalescence of Stainton and Thornton with other areas of greater Middlesbrough and surrounding urban areas, in accordance with Policy ST8 of the Stainton and Thornton Neighbourhood Plan.
- 4.0. Although as previously stated the proposal is located on land allocated as outside the limit of development within the Local Plan, it is considered that since the removal of the poultry farm the land is overgrown shrubland that has been poorly maintained and surrounded by other dwellings, and thus offers no value for amenity as an open space, nor could be described as open countryside or similar, and the proposed development would arguably be a planning gain for the area through the completion of a grouping of properties.

Sustainability

- 5.0. The proposed building would be within walking distance of the limited amenities associated with Stainton Village although is not within close proximity to a wide range of services. Notwithstanding this, it is within the existing residential grouping within this area and this recommendation is taking into account previous considerations around the development of the plot. A sustainable system for management of rainwater is to be used in the construction of the dwelling which will reduce freshwater intake at the dwelling which is a sustainable credential in support of considerations.

Design

- 6.0. Within the immediate area of the site there are a variety of types and styles of both houses and bungalows. It is considered that the single storey, hipped roof design of the proposed dwelling of high quality, is sympathetic to and in keeping with the character and appearance of the properties in the immediate area, and is in accordance with Policies CS5 (test c) and DC1 (test b) in this regard.

Impact on amenity and privacy

- 7.0. With regard to considerations of privacy and overlooking, the proposal is for a bungalow with ground floor windows only and so a privacy distance of 14m separation distance needs to be achieved to meet guidance set out in the Urban Design Guide.

8.0. In relation to surrounding properties the following separation distances are achieved:

Whitewings - a separation distance of some 25m between the living room window at the proposed dwelling and the side elevation of Whitewings. The kitchen window in the south-east elevation of the proposed bungalow does not face directly into any window in the Whitewings bungalow.

32A Cedar Drive - A separation distance of at least 21m is achieved between the first floor bedroom windows at 32A and the side elevation of the proposed dwelling.

Properties at 43 Cedar Drive - a separation distance of 22.5m is achieved between the rear elevation of the proposed dwelling and first floor dormer windows in the rear facing roof slope of No.43 Cedar Drive and the dwelling attached to 43 Cedar Drive.

9.0. Given the above separation distances it is considered the proposed dwelling will not result in material loss of privacy or undue overlooking to nearby properties in accordance with Policy DC1 (test c).

10.0. Conditions on the original planning approval removed permitted development rights and restricted the insertion of windows to the new property, however, as the separation distances to all surrounding properties exceed the 21m separation distance for first floor windows set out in the Urban Design Guide, it is considered that imposition of the conditions is unnecessary and therefore no longer recommended.

Highways

11.0. Adequate parking is provided within the triple garage and the surfaced driveway to the front of the house. The access road is unmade and in a poor state of repair, however, there is no intention to adopt the road and so it would be unreasonable to require it to be made up to adoptable standards.

12.0. An additional dwelling has been constructed at 43 Cedar Drive which will have increased the level of traffic movements along the access road to some degree. The application for the additional dwelling was however approved in the knowledge that the previous application for this site was extant and could be implemented, consideration of the level of vehicles using the access including the dwelling proposed as part of this application was made at the time the application was assessed. The situation has not changed in terms of traffic since it would therefore be difficult to justify a reason for refusal based on highway safety. The Councils Highway Engineer considered the application and raised no objection in terms of highway safety and so the proposal is considered to be in accordance with Policy DC1 (test d).

Nutrient Neutrality

13.0. Nutrient neutrality relates to the impact of new development on the Teesmouth and Cleveland Coast Special Protection Area (SPA) (and Ramsar Site) which Natural England now consider to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the SPA. It is understood that this has arisen from developments and operations that discharge or result in nitrogen into the catchment of the River Tees. Whilst it is understood that this will include farming activities and discharge from sewage treatment works, it also relates to wastewater from development. New development has the ability to exacerbate this impact. Natural England has advised that only development featuring overnight accommodation (houses, student accommodation, hotels etc) should be deemed to be in scope for considering this impact, although this is generic advice and Natural

England have since advised that other development where there is notable new daytime use could also be deemed to have an impact, which may require mitigating. As with all planning applications, each has to be considered on its own merits. Furthermore, it is recognised as being particularly difficult to accurately define a precise impact from development in relation to nutrient neutrality given the scale of other influences. Notwithstanding this, the Planning Authority need to determine applications whilst taking into account all relevant material planning considerations.

- 14.0. The Local Planning Authority must consider the nutrient impacts of any development within the SPA catchment area, which is considered 'in-scope development' and whether any impacts may have an adverse effect on its integrity that requires mitigation. If mitigation is required, it will be necessary to secure it as part of the application decision unless there is a clear justification on material planning grounds to do otherwise.
- 15.0. In-scope development generally includes, but is not limited to, new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). It also includes agriculture and industrial development that has the potential to release additional nitrogen and / or phosphorous into the system. Other types of business or commercial development, not involving overnight accommodation, will generally not be in-scope unless they have other (non-sewerage) water quality implications.
- 16.0. The proposed development will lead to an increase in population and will have a greater impact with regards to nitrate generation/pollution over and above the existing use.
- 17.0. The applicant has successfully applied for nutrient credits from Natural England to mitigate this, and based on these, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Other Matters

- 18.0 From 2nd April 2024, it became a requirement for all small sites or minor developments to comply with Biodiversity Net Gain. However, this application was submitted prior to this date so it does not apply.

Conclusion

- 19.0 In view of the above, the proposal is contrary to the policy relating to the limits of development, being a new dwelling outside of the Limits of Development as defined in the Local Plan. However, material to this application is the previous approvals at the site and the basis on which the original application was based. Further to this, the built out surroundings of the former / wider site has now occurred, and this remaining site is surrounded by dwellings. It is for this reason that the principle of a dwelling on the site is considered to be acceptable.
- 20.0 The proposal is considered to be a high quality development that is in keeping with the surrounding area. Given its design and relationship to surrounding properties it will not have any significant impact on the amenity of nearby residents.

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 25th January 2024
- b) Site Plan received 25th January 2024
- c) Proposed Site Plan (Drawing No.1039/7A) received 25th January 2024
- d) Proposed Floor Plans (Drawing No.1039/8A) received 25th January 2024
- e) Proposed Elevations (Drawing No.1039/9A) received 25th January 2024
- f) Proposed Elevations (Drawing No.1039/10A) received 25th January 2024
- g) Garage Plans (Drawing No.1039/11A) received 25th January 2024

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

3. Prior to the construction of the external elevations of the building(s) hereby approved 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.

Reason for approval

This application is satisfactory in that the design of the detached dwelling accords with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraphs 186-187 of the NPPF. In addition, the dwelling accords with the local policy requirements (Policies CS5 & DC1 of the Council's Local Development Framework). In particular the dwelling is designed so that its appearance is complementary to the area and will not have a detrimental impact on the amenity of any adjoining or nearby resident. The works will not prejudice the appearance of the Cedar Drive estate or the local area, and will not significantly affect any landscaping nor prevent adequate and safe access to the dwelling. 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.

INFORMATIVES

- This planning approval does not permit any person to access another person's land/property to enable the works to be completed, without their consent. Any encroachment into another person's land/property above or below ground is a civil

matter to be resolved between the relevant parties.

- 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.
- **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.
- **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.

IMPLICATIONS OF THE DECISION

Environmental Implications:

The proposal relates to residential development and its environmental impacts have been considered within the report above. Such considerations have included amongst others, visual implications, privacy and amenity, noise and disturbance. In view of all those considerations, it is on balance judged that in this instance the associated environmental impacts are considered to not be significant.

The proposed development is in scope for Nutrient Neutrality, being within the catchment of the River Tees. Nutrient Neutrality is adequately dealt with as reported above.

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report and the recommendation is made having taken regard of the Local Development Plan Policies relevant to the proposals and all material planning considerations as is required by law.

The proposed development raises no implications in relation to people's Human Rights having undertaken a neighbour consultation and assessed privacy and the right to enjoy private life.

Public Sector Equality Duty Implications:

This report has been written having had regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010 and to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

There are no matters relating to this application which relate to harassment, victimisation or similar conduct or which would affect equality of opportunity or affect the fostering of good relations between people with and without protected characteristics.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report. Specifically, considerations around designing out opportunity for crime and disorder have been detailed within the report. Whilst actions of individuals are not typically a material planning consideration in reaching a decision in this regard, designing out the opportunity for crime and disorder is aligned to good quality design and is, in that regard a material planning consideration.

Financial Implications:

The proposed development if approved would result in a residential property being constructed which would in turn lead to council tax revenue for the council. This matter is not a material planning consideration.

Case Officer: Tom Luke

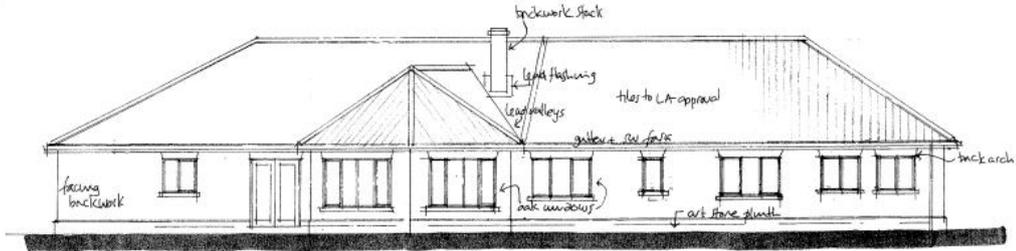
Committee Date: 13-Feb-2025

APPENDICES

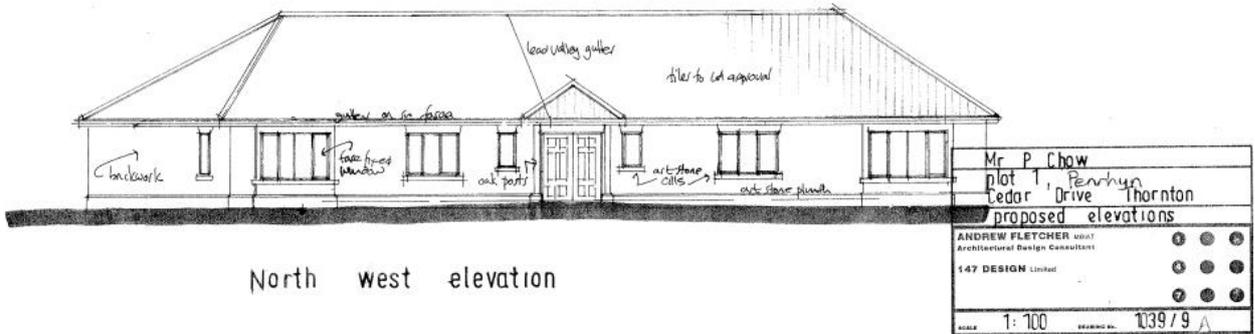
Appendix 1: Location Plan



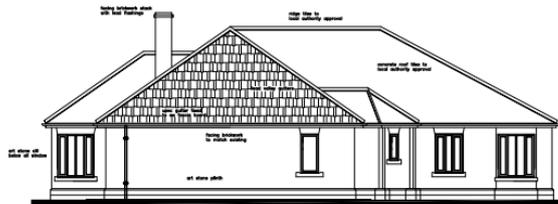
Appendix 2: Proposed Elevations



South east elevation



North west elevation



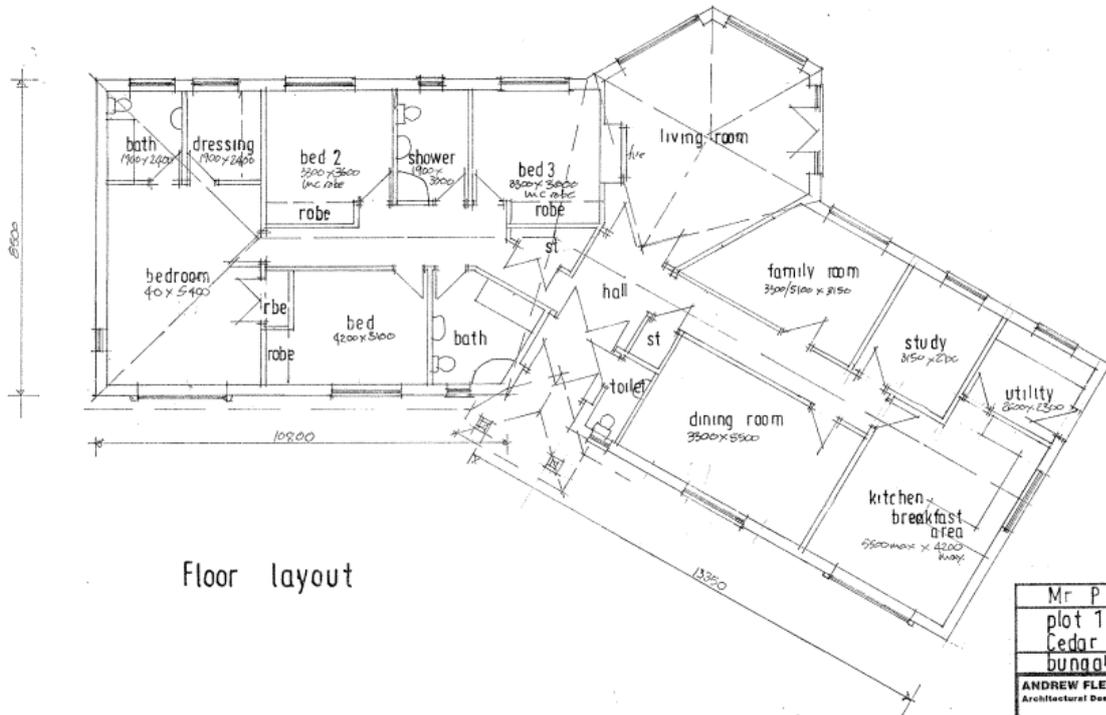
North West Elevation



South East Elevation

Mr P Chow		Plot 1 adjacent to Penrhyn,	
Cedar Drive,		Thornton	
Proposed elevations			
andrew fletcher	LEAD	1	2
Architectural Design Consultants		3	4
147 design limited		5	6
Penrhyn House		7	8
51 High Street, Stokesley, TS8 5AD			
T: 01642 713300 147design@btinternet.com			
SCALE	1/100 @A3	DRAWING NO.	1039/10 A

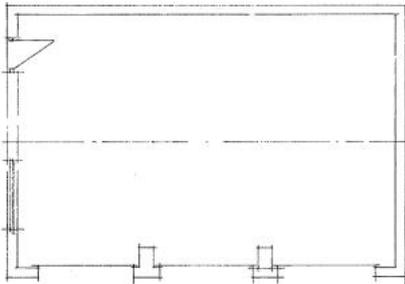
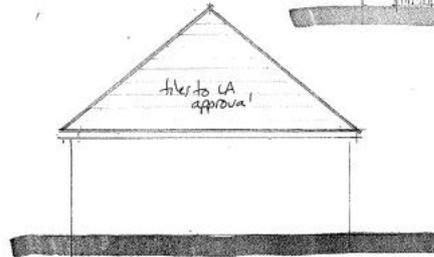
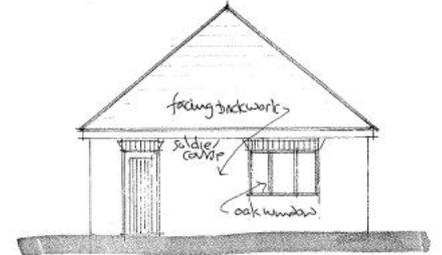
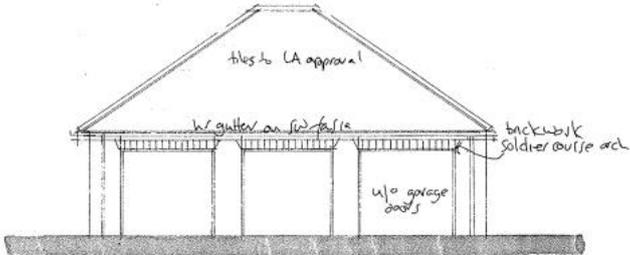
Appendix 3: Proposed Floor Plan



Floor layout

Mr P Chow	
plot 1, Penrhyn Cedar Drive Thornton	
bungalow floor plan	
ANDREW FLETCHER MBAT Architectural Design Consultant	1 ● ● ●
147 DESIGN Limited	2 ● ● ●
	3 ● ● ●
	4 ● ● ●
	5 ● ● ●
	6 ● ● ●
	7 ● ● ●
SCALE 1:100	DRAWING NO. 1039 / 8 A

Appendix 4: Garage Plans



Rev A - title altered act 11

Mr P Chow		
Plot 2, Penrhyn Cedar Drive Thornton		
garage plans		
ANDREW FLETCHER MBIAAT Architectural Design Consultant		① ● ●
147 DESIGN Limited		② ● ●
		③ ● ●
SCALE 1: 100	REVISION NO. 1039	11 A

