
APPLICATION DETAILS

Application No:	21/0041/FUL
Location:	Cleveland Cottage, Brass Castle Lane Middlesbrough TS8 9ED
Proposal:	Erection of 1no dwellinghouse (demolition of existing property)
Applicant:	Mr & Mrs Spriggs
Agent:	Mr Christian Cooling
Company Name:	JCM Property Consultants Ltd
Ward:	Marton West
Recommendation:	Approve with Conditions

SUMMARY

The application site is located outside the limits of development. Permission is sought to replace the existing dwelling with a new dwelling in the same location. Following a consultation exercise no objections were received. Two representations were received with comments on the proposed development and one letter of support was received. A Ward Councillor has also written in support of the proposed development.

The development has been considered in relation to relevant policies within the Local Plan, Marton West Neighbourhood Plan and the Nunthorpe Design Statement. The dwelling is considered to be acceptable in relation to its scale, mass, design and appearance resulting in a high quality development. It also provides opportunities for additional landscaping which further enhance the quality of the development and the character of the area.

The development has been recommended for approval subject to a number of conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is located on the east side of Brass Castle Lane, it's access point is approximately 500m northeast of the junction with De Brus Park. The site comprises a large detached two-storey dwelling in large grounds with an access road and detached garage. The site is located in a rural area with fields to the immediate north, east and south. To the west on the opposing side of Brass Castle Lane is the grounds of the Middlesbrough Golf Club. In the wider area there are pockets of residential dwellings to the southwest and northeast.

Permission is sought for the erection of a large detached two-storey dwelling on the site of the existing dwelling and associated garage which are to be demolished.

PLANNING HISTORY

M/FP/0832/11/P Extensions and alterations including orangery to rear, two storey front extension, link extension to new double garage and formation of new 1st floor over existing annex Approve with Conditions
30th September 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).

National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,

- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

H1 - Spatial Strategy
 CS4 - Sustainable Development
 CS5 - Design
 CS18 - Demand Management
 CS19 - Road Safety
 DC1 - General Development
 E20 - Limit to Urban Development
 E21 - Special Landscape Areas
 E22 - New Housing in Countryside
 MWNP - Marton West N'hood Plan
 NDS - Nunthorpe Design SPD
 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

Following a consultation exercise including a press notice and site notice, three comments were received from residents. The comments are summarise below.

Resident comments - no objection but issues raised:

- a) All materials, plant, temporary accommodation should be kept within the red line and not stored on adjacent agricultural land;
- b) Construction activities limited to Monday to Friday 7.30am to 4.30pm only, and exclude bank holidays;
- c) Concerned discharge into septic tank and soakaway may pollute neighbours land, current location may be in neighbours land, or is at least very close to it. Increased size of property and swimming pool will increase discharge to septic tank. Who would be responsible for any pollution?

Received from:

1. Ryehill Farm Cottage, Brass Castle Lane
2. Mr Craggs, neighbouring land owner via Jonathan Willis Chartered surveyor.

Resident comments - support

- a) Happy to support the application

Received from:

1. 7 De Burs Park, Brass Castle Lane

Planning Policy - MBC

The proposed development is contrary to Policies E20, E22, H1 and CS4 which would not normally allow a new dwelling in this location. However, as the proposed new dwelling is a replacement for an existing dwelling, this would be an overriding material planning consideration.

Consideration should be given to whether the scale and design of the dwelling conforms with the requirements of Policies E21, CS5, DC1, Marton West Neighbourhood Plan and the Nunthorpe Design Statement SPD.

Environmental Health - MBC

No objections subject to a pre-commencement condition requiring a full and competent site investigation including risk assessment to be undertaken to identify any contamination present and specify adequate remediation necessary. Validation of the remediated site will also be required.

Highways - MBC

No response

Waste Policy - MBC

Waste and recycling receptacles will need to be made available for collection at the nearest public highway (Brass Castle Lane) and returned to the property after collection

Northumbrian Water

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

Northern Gas

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

Secured by Design - Cleveland Police

In relation to this application, I recommend applicant actively seek to develop to accredited Secured By Design standards, full guidance is available within the SBD Homes 2019 guide at www.securedbydesign.com. I would also encourage the applicant contact me for any advice, input I can offer in relation to designing out opportunities for crime to occur.

Nunthorpe Parish Council

No Response

Councillor Chris Hobson

As this house stands in its own grounds and the application is for a dwelling on roughly the same site area I would have no objection to this.

Public Responses

Number of original neighbour consultations	19
Total numbers of comments received	3
Total number of objections	0
Total number of support	1
Total number of representations	2

PLANNING CONSIDERATION AND ASSESSMENT

1. During the application process revised details were received following officer comments. The revised details are the subject of this report.
2. A number of the comments received are not material planning considerations as they are controlled by separate legislation such as the working hours on site. These comments will not be considered as part of this analysis of the development.

Principle of Development

3. The application site is located beyond the Limits to Development and within the Special Landscape Area. Policy E20 seeks to protect the open countryside from development by strictly controlling development beyond the Limits to Development. The Policy advises that new dwellings will only be allowed where they accord with Policy E22, which only allows housing that is essential for the efficient functioning of agriculture or forestry. The proposed new dwelling is not related to agricultural or forestry use and as such, is contrary to Policies E20 and E22.
4. Policy H1 advises that development proposals, including windfalls, will need to be sited within the urban area, satisfy the requirements for sustainable development of Policy CS4 and contribute to and fully integrate with a sustainable transport network. The proposed development is not within the urban area, as such, it is contrary to Policy H1.
5. Policy CS4 requires all development to contribute to achieving sustainable development principles. This includes being located so that services and facilities are accessible on foot, bicycle or by public transport and that reliance on the private car is reduced or minimised. The lack of nearby bus stops and no footpaths and street lighting on Brass Castle Lane is likely to discourage occupiers from using public transport or other sustainable modes of transport, leading to significant daily reliance on the use of private vehicles that would be contrary to Policy CS4.
6. Whilst the proposed development is contrary to the above policies, these do not take account of new dwellings that are replacements of existing dwellings which is a material planning consideration in this instance. The policies restricting residential development from this location aim to preserve the countryside and provide housing within the defined urban areas or on the immediate edge of the urban areas where good levels of sustainability and access to services can be achieved. This proposal, replacing a large house with another large house is considered to not be contrary to the principle aims of the policies referred to as it will not increase the numbers of properties outside of the limits of development as defined within the local plan. The existing dwelling is a substantial size and the proposed dwelling, although larger in size, is located on the same site as the existing building. As such the impact on the open countryside and sustainability when measured in these terms is considered to be acceptable.
7. The majority of the proposed dwelling is located within Marton West ward and the rear of the building is within Nunthorpe, therefore the development must adhere to the principles set out in policies within the Marton West Neighbourhood Plan and the Nunthorpe Design Statement which relate to the scale, design and the quality of the

building as well as the landscape setting. These matters will be discussed in the sections below.

Amenity

8. The site is located in a rural area with large fields separating it from all surrounding properties with the closest residential property being over 180m away. The proposed dwelling is located in roughly the same position of the site as the existing dwelling and is not significantly different in terms of the proposed overall building height. As a result, the development will not notably alter the relationship with the surrounding properties in terms of light, privacy or dominance of appearance.
9. The development is considered to be in accordance with the requirements of Policy DC1 in this regard.

Design/Streetscene

10. Policies CS5, MW3, MW6, H1, D1 and D3 all seek to ensure that developments demonstrate high quality design in terms of layout, form and contribution to the character and appearance of the area. This includes that development is well integrated with the immediate and wider context and enhances the built and natural environments. Further guidance on design is set out in the Middlesbrough Urban Design SPD.
11. The proposed building is located in roughly the same position as the existing building on the site. The attached garage which sits forward of the main house to the north of the site is approximately 3m closer to Brass Castle Lane than the existing at a distance of approximately 41m. The southern corner of the proposed building is approximately 51m from Brass Castle Lane which is approximately 9m further away than the existing building. The overall width of the building is only 1m larger than the existing buildings on site. The increase in size comes from the increased depth with the proposed being approximately twice the depth of the existing building at its narrowest point and three times the depth at its widest point. The increased depth projects to the rear of the site away from Brass Castle Lane and will therefore not be unduly overbearing on, or detrimental to the character of the area when viewed from the streetscene.
12. The height of the main house is the same as the existing house, albeit the main house is now slightly wider than the existing and a chimney is proposed which is higher than the ridge line. The proposed house then drops down to single storey with a glazed link connecting the house to the detached garage which has rooms in the roof.
13. Whilst the appearance of the proposed dwelling differs significantly over the existing dwelling, the scale and massing when viewed from Brass Castle lane is not considered to be significantly different.
14. The proposed dwelling has been designed to incorporate traditional Georgian features and proportions found on manor houses within the Teesside area and sits within its own large grounds. It also incorporates contemporary elements such as the glazed link which complements the traditional design. The rear of the building steps away from traditional proportions and includes large windows providing views across the grounds of the property and wider views across the surrounding rural area. Traditional features such as stone window surrounds, a stone porch, hipped dormer windows and parapet walls all add to the high quality design of the property and the proposed stone walls and slate roofs will further enhance the quality of the development.

15. The existing access wall is to be retained. The access is located centrally at the site with the dwelling set off to one side to the north of the site. This ensures views through the access are not dominated by the building and provides some open aspect across the site to the wider countryside.
16. It is considered that the development is in accordance with the requirements of Policies CS5, MW3, MW6, H1, D1 and D3 of the Local Plan, Marton West Neighbourhood Plan and Nunthorpe Design Statement.

Landscaping

17. Policies E21, CA1, D1 and D7 all relate to landscaping. Development proposals should not detract from the special scenic character and quality of the landscape and should seek to retain and enhance important landscape features such as trees and hedgerows.
18. The proposed development seeks to retain all existing boundary hedgerows around the site. It further proposes to provide additional landscaping within the grounds including tree planting along the access road and within the grounds to the front of the house, as well as additional and extensive planting at the front of the grounds. The landscape works will result in landscape features traditional for manor houses, will provide enhanced screening of the property when viewed from Brass Castle Lane and will provide increased opportunities for biodiversity at the site.
19. The development is considered to be in accordance with the requirements of Policies CS5, E21, CA1, D1 and D7 in this regard.

Highways

20. The proposed development retains the existing access on to Brass Castle Lane and provides ample parking provision for the dwelling with 4 garage spaces and additional external parking as well as space for vehicle turning within the site. In view of these matters it is considered that the development will not have any impact on the local highway network in relation to safety or capacity.
21. The development is considered to be in accordance with the requirements of Policy DC1 in this regard.

Other Matters

22. Concerns have been raised in relation to the septic tank. It is noted that the existing dwelling discharges into the septic tank. The location of the septic tank possibly being within the neighbours land is a civil matter, the application can only be considered on the basis of the information submitted which states it is within the site boundary. From the planning perspective, the existing property discharges into the septic tank and therefore there is no planning reason the replacement property shouldn't. Should the septic tank not be finally utilised, a condition is recommended requiring the agreement with the LPA for a new foul water drainage scheme. Issues relating to the appropriateness of the septic tank in relation to the ability to deal with the discharge from the proposed development is considered as part of the separate building regulations process.
23. Whilst the comments made in relation to the septic tank are not a planning consideration in this instance, the full comments have been sent to the applicant.

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) Site Location Plan, drawing no. JCM031 001;
 - b) Proposed Site Plan, drawing no. JCM031 003 rev. C;
 - c) Proposed Floor Plans, drawing no. JCM031 004 rev. A; and,
 - d) Proposed Elevations, drawing no. JCM031 005 rev. A.

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 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. Hardstanding Details
Prior to the construction of the hardstanding at the front of the property hereby approved, details of materials to be used in the construction of the hardstanding shall be submitted to and approved in writing by the Local Planning Authority. Where non-permeable materials are proposed the submitted details must include a drainage scheme. Thereafter the works shall be carried out in accordance with the approved details and retained on site in perpetuity.

Reason: To reduce flood risk and in the interests of highway safety having regard for policies DC1 and CS4 of the Local Plan and sections 12 and 14 of the NPPF.

5. 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.

6. Landscape Scheme

Prior to the commencement of construction of the development a scheme showing full details of both hard and soft landscape works and a programme of works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out on site as approved.

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers, densities where appropriate; implementation programme.

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.

7. 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.

8. Hedges and Hedgerows

All hedges or hedgerows on the site unless indicated as being removed shall be retained and protected on land within each phase in accordance with details submitted to and approved in writing by the local planning authority for the duration of works on land within each phase unless otherwise agreeing in writing by the local planning authority. In the event that hedges or hedgerows become damaged or otherwise defective during such period the local planning authority shall be notified in writing as soon as reasonably practicable. Within one month a scheme of remedial action, including timetable for implementation shall be submitted to the local planning authority. The approved scheme shall be implemented in accordance with the approved timetable. Any trees or plants which within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To prevent the loss of or damage to existing hedgerows and natural features 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.

9. Contaminated Land Site Investigation

Prior to the commencement of development a full and competent site investigation including risk assessment must be undertaken and submitted to and approved in writing by the Local Planning Authority. This must identify any contamination present and specify adequate remediation. The development must be carried out in accordance with the approved risk assessment and remediation scheme.

Validation of the remediated site shall be provided in the form of a detailed completion statement confirming that works set out and agreed were completed and that the site is suitable for its intended use.

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.

10. Foul Water Drainage

Should the existing septic tank on the site not be utilised to provide foul drainage for the dwelling hereby approved, the dwelling hereby approved shall not be occupied until a new foul water drainage scheme has been implemented on site and brought into use in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: in order to ensure an appropriate form of drainage is achieved relative to the site.

REASON FOR APPROVAL

This application is satisfactory in that the design of the proposed dwelling accords with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraph 38 of the NPPF (2018). In addition the dwelling accords with the local policy requirements (Policies CS4, CS5, DC1 and E21 of the Council's Local Development Framework) and policies within the Marton West Neighbourhood Plan and Nunthorpe Design Statement.

In particular the dwelling is designed so that its appearance is complementary to the area and so that it will not have a detrimental impact on the amenity of any adjoining or nearby resident. The dwelling will not prejudice the appearance of the area and does not significantly affect any landscaping nor prevent adequate and safe access to the site.

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

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.

Civil Ownership Matters

This permission refers only to that required under the Town and Country Planning Act 1990 (as amended) and does not include any other consent or approval under any enactments,

byelaw, order or regulation. The grant of planning permission does not override any third party rights which may exist over the application site.

In addition, you are advised that any works affecting party walls or involving excavations for foundations adjacent to a party wall you will be required to serve notice on all adjoining owners before work commences and adhere to the requirements of the Party Wall Act 1996.

Rights of Access/Encroachment

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.

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.

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. The applicant is advised to contact all the utilities prior to works commencing.

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.

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.

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

Wildlife and Countryside Act

The applicant is reminded that under the Wildlife and Countryside Act 1981 it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August. Trees and scrub are present on the application site should be assumed to contain nesting birds between the above dates unless a survey has shown conclusively that nesting birds are not present.

Protected Species

The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning consent for a development does not provide a defence against prosecution under wildlife protection legislation. You are advised that it may be necessary before development commences, for the applicant to commission an ecological survey from a suitably qualified and experienced professional to determine the presence or otherwise of such protected species. If protected species are found to be present, Natural England should be consulted.

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.

Case Officer: Shelly Pearman

Committee Date: 10th September 2021

Appendix 1: Site Location

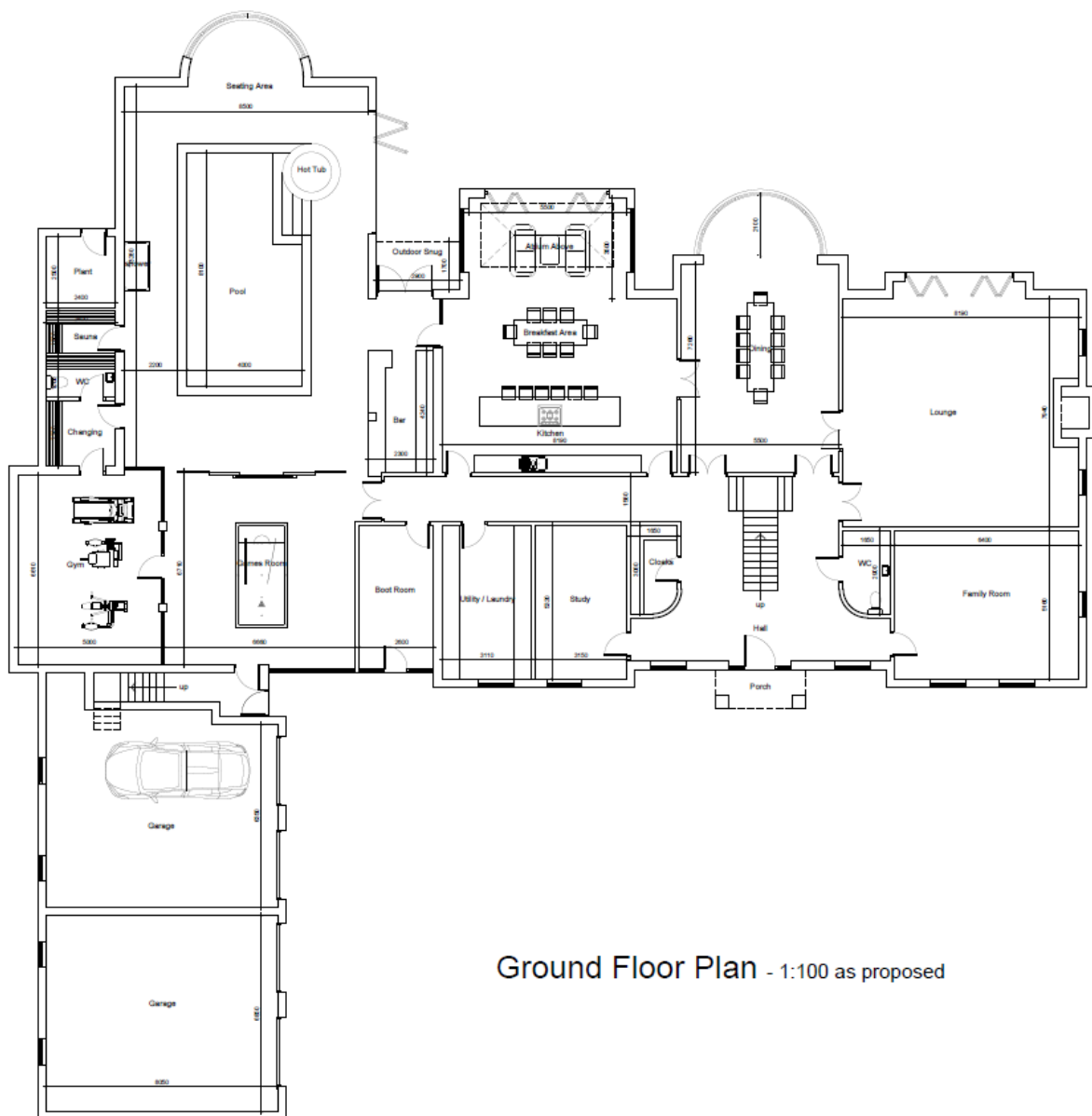


Appendix 2: Proposed Site Layout Plan



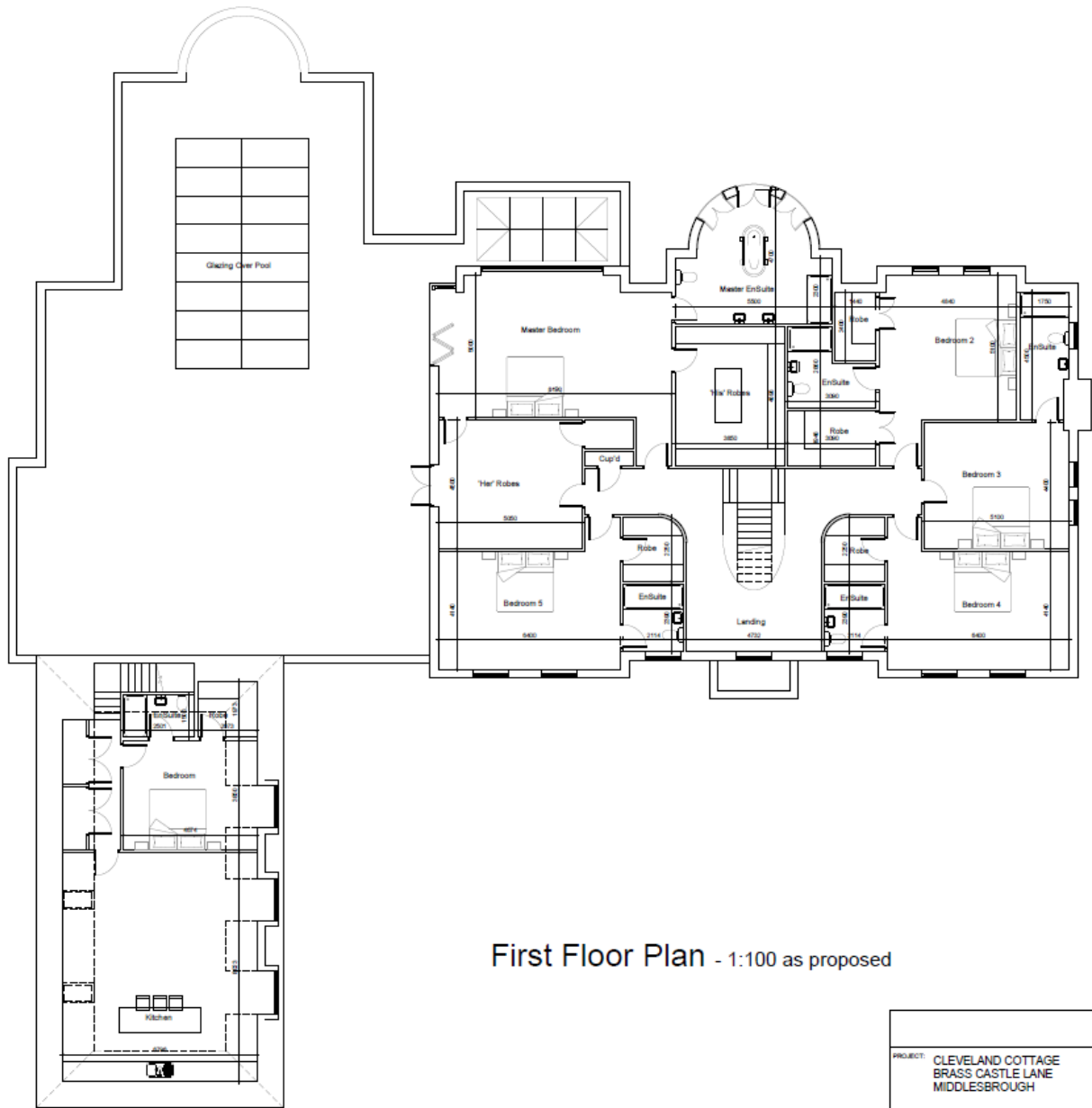
Appendix 4: Proposed Floor Plans

Ground floor



Ground Floor Plan - 1:100 as proposed

Proposed First floor



First Floor Plan - 1:100 as proposed